

# EXECUTIVE JOURNAL OF THE SENATE OF THE UNITED STATES

[At the Second Session of the Thirty-third Congress, commencing on the 4th day of December, 1854.]

THURSDAY, DECEMBER 12, 1854.

The following messages were received from the President of the United States, by Mr. Webster, his secretary:

*To the Senate of the United States:*

I nominate Thomas C. Hunt, of Louisiana, to be receiver of public moneys at Natchitoches, Louisiana, vice I. B. J. Buard, deceased.

FRANKLIN PIERCE.

WASHINGTON, *December 5, 1854.*

*To the Senate of the United States:*

I nominate the officers named in the accompanying list for promotion and appointment in the Army of the United States, as proposed by the Secretary of War.

FRANKLIN PIERCE.

WASHINGTON, *December 5, 1854.*

WAR DEPARTMENT, *December 5, 1854.*

SIR: I have the honor to lay before you the annexed list of promotions and appointments in the Army of the United States, made during the recess of the Senate:

## REGULAR PROMOTIONS.

### *Medical Department.*

Assistant Surgeon Charles H. Lamb to be surgeon, October 17, 1854, vice Turner, deceased.

### *Corps of Topographical Engineers.*

Brevet Second Lieutenant Gouverneur K. Warren to be second lieutenant, September 1, 1854, the date of Captain McClelland's death.

### *First Regiment of Dragoons.*

First Lieutenant Henry W. Stanton to be captain, July 25, 1854, vice Chilton, appointed paymaster.

First Lieutenant Joseph H. Whittlesey to be captain, October 22, 1854, vice Buford, resigned, and Ingalls, assistant quartermaster, who vacates his regimental commission.



Second Lieutenant George Stoneman, jr., to be first lieutenant, July 25, 1854, vice Stanton, promoted.

Second Lieutenant David H. Hastings to be first lieutenant, October 22, 1854, vice Ingalls, assistant quartermaster, who vacates his regimental commissions, and Evans, passed over on account of disability, as set forth in the Adjutant-General's report of November 9, 1854, copy hereunto appended.

Brevet Second Lieutenant Nelson B. Sweitzer, of the Second Regiment of Dragoons, to be second lieutenant, July 25, 1854, vice Stoneman, promoted.

Brevet Second Lieutenant Benjamin Allston to be second lieutenant, October 22, 1854, vice Hastings, promoted.

Brevet Second Lieutenant William W. Lowe, of the Second Regiment of Dragoons, to be second lieutenant, October 22, 1854, the date of Adjutant J. N. Whittlesey's promotion to captain.

#### *Regiment of Mounted Riflemen.*

First Lieutenant Washington L. Elliott to be captain, July 20, 1854, vice Van Buren, deceased of wounds received in action.

Second Lieutenant William E. Jones to be first lieutenant, October 31, 1854, vice Gordon, resigned.

Brevet Second Lieutenant John S. Bowen to be second lieutenant, July 20, 1854, the date of Captain Van Buren's death.

Brevet Second Lieutenant John H. Edson to be second lieutenant, August 16, 1854, vice Bonaparte, resigned.

Brevet Second Lieutenant James E. B. Stuart to be second lieutenant, October 31, 1854, vice W. E. Jones, promoted.

#### *First Regiment of Artillery.*

First Lieutenant John M. Brannan to be captain, November 4, 1854, vice Grafton, resigned.

Second Lieutenant Amos Beckworth to be first lieutenant, August 31, 1854, vice Gibson, resigned.

Second Lieutenant Caleb Huse, to be first lieutenant, November 4, 1854, vice Brannan, promoted.

Brevet Second Lieutenant Loomis L. Langdon, of the Fourth Regiment of Artillery, to be second lieutenant, August 21, 1854, vice Beckwith, promoted.

Brevet Second Lieutenant Samuel Kinsey to be second lieutenant, November 2, 1854, vice Flewellen, resigned.

Brevet Second Lieutenant Abner Smead, of the Fourth Regiment of Artillery, to be second lieutenant, November 4, 1854, vice Huse, promoted.

#### *Second Regiment of Artillery.*

Second Lieutenant James Thompson to be first lieutenant, August 16, 1854, vice Adams, cashiered.

Second Lieutenant Alexander J. Perry to be first lieutenant, September 7, 1854, vice Mebane, deceased.

Brevet Second Lieutenant William D. Pender, of the First Regiment of Artillery, to be second lieutenant, August 16, 1854, vice Thompson, promoted.

Brevet Second Lieutenant John T. Geeble to be second lieutenant, September 27, 1854, vice Perry, promoted.



Brevet Second Lieutenant Henry A. Smalley, of the First Regiment of Artillery, to be second lieutenant, October 2, 1854, vice Burns, deceased.

*Fifth Regiment of Infantry.*

Second Lieutenant Benjamin Wingate to be first lieutenant, October 20, 1854, vice Lear, deceased.

Brevet Second Lieutenant Thomas Wilson, of the Sixth Regiment of Infantry, to be second lieutenant, October 26, 1834, vice Wingate, promoted.

*Eighth Regiment of Infantry.*

Brevet Second Lieutenant William McE. Dye, of the Fourth Regiment of Infantry, to be second lieutenant, November 9, 1854, vice Melancthon Smith, resigned.

II. APPOINTMENTS.

*Quartermaster's Department.*

Brevet Captain Ralph W. Kirkham, first lieutenant in the Sixth Regiment of Infantry, to be assistant quartermaster with the rank of captain, vice Wood, deceased, to date from November 16, 1854.

*Medical Department.*

DeWitt Clinton Peters, of New York, to be assistant surgeon, vice Henderson, deceased, to date from August 15, 1854.

Albert J. Myer, of New York, to be assistant surgeon, vice Griffin, resigned, to date from September 18, 1854.

Nathaniel S. Crowell, of South Carolina, to be assistant surgeon, vice Lamb, promoted, to date from November 8, 1854.

I am, sir, with great respect, your ob'd't s'y't,

JEFFER. DAVIS,

*Secretary of War.*

To the PRESIDENT OF THE UNITED STATES.

[Report of the Adjutant General of the Army relates to passing over 2d Lieutenant George F. Evans, of the 1st Regiment of Dragoons, on account of physical disability.]

“ADJUTANT-GENERAL'S OFFICE,

“Washington, November 9, 1854.

“SIR: Lieutenant George F. Evans, of the 1st Dragoons, being at the head of the list of second lieutenants of his regiment, and a vacancy having occurred therein by the resignation of Captain Buford, I respectfully request your instructions on the question of carrying up Lieutenant Evans to a first lieutenancy, or giving the promotion to the next below him on the regimental list.

Lieutenant Evans left his company in California in October, 1850, in consequence of a severe attack of paralysis, affecting both his limbs and speech, and from which there seems but little, if any, prospect of his recovery. He is entirely unable to make the monthly sick-reports prescribed by the regulations, which are in the handwriting of his father, Lieutenant E., simply affixing his mark to them. Accompanying is the



last certificate of Lieutenant Evans's physicians, dated at Gardiner, Maine, October 2, 1854.

"I have the honor to be, sir, your obe'd't ser't,  
(Signed)

"S. COOPER,

"Adjutant-General.

"Hon. JEFFERSON DAVIS,  
"Secretary of War."

[Decision of the Secretary of War on the foregoing report.]

"The disability of Lieutenant Evans requires that the officer next below him, competent for active service, shall be promoted over him.  
(Signed)

"JEFFER. DAVIS,

"Sec. of War.

"WAR DEP'T, November 11, 1854."

*To the Senate of the United States:*

I nominate Charles H. Bell to be a captain in the Navy, from the 12th of August, 1854, vice Captain John Downes, deceased.

Abraham Bigelow to be a captain in the Navy, from the 12th of September, 1854, vice S. W. Downing, cashiered.

Henry H. Bell to be a commander in the Navy, from the 12th of August, 1854, vice Commander C. H. Bell, promoted.

William Smith to be a commander in the Navy, from the 12th of September, 1854, vice Commander A. Bigelow, promoted.

Master C. C. Simms to be a lieutenant in the Navy, from the 12th of August, 1854, vice Lieutenant H. H. Bell, promoted.

Master H. N. T. Arnold to be a lieutenant in the Navy, from the 12th of September, 1854, vice Lieutenant Wm. Smith, promoted.

Master Thomas Pattison to be a lieutenant in the Navy, from the 19th of September, 1854, vice Lieutenant J. C. Walsh, resigned.

Master Julian Myers to be a lieutenant in the Navy, from the 20th of September, 1854, vice Lieutenant A. B. Davis, deceased.

Master James Higgins to be a lieutenant in the Navy, from the 6th of October, 1854, vice Lieutenant J. D. Bulloch, resigned.

Passed Assistant R. W. Jeffery to be a surgeon in the Navy, from the 5th of August, 1854, vice Surgeon B. Washington, deceased.

Passed Assistant Surgeon T. M. Potter to be a surgeon in the Navy, from the 17th of September, 1854, vice Surgeon C. F. Guilloñ, resigned.

Passed Assistant Surgeon S. Kidout Addison to be a surgeon in the Navy, from the 22d of September, 1854, vice Surgeon G. Terrill, resigned.

Passed Assistant Surgeon Wm. A. Nelson to be a surgeon in the Navy, from the 21st of November, 1854, vice Surgeon William Turk, deceased.

William G. Hay to be an assistant surgeon in the Navy, from the 12th of September, 1854, vice Passed Assistant Surgeon Jeffery, promoted.

Daniel B. Conrad to be an assistant surgeon in the Navy, from the 20th of September, 1854, vice Passed Assistant Surgeon Potter, promoted.

J. E. Sample to be an assistant surgeon in the Navy, from the 22d of September, 1854, vice Passed Assistant Surgeon Addison, promoted.

W. T. Hord to be an assistant surgeon in the Navy, from the 1st of November, 1854, vice Assistant Surgeon R. B. Tunstall, resigned.

Wyatt M. Brown to be an assistant surgeon in the Navy, from the 25th of November, 1854, vice Passed Assistant Surgeon Nelson, promoted.



Addison Garland to be a captain in the Marine Corps, from the 15th of October, 1854, vice Captain A. H. Gillespie, resigned.

Thomas Y. Field to be a first lieutenant in the Marine Corps, from the 15th of October, 1854, vice 1st Lieutenant Garland, promoted.

A. J. Dallas to be a second lieutenant in the Marine Corps, from the 31st October, 1854, to fill vacancy created by the promotion of T. Y. Field.

Joseph Smith to be Navy agent at the port of Boston for four years, vice J. H. Wright, whose commission had expired.

FRANKLIN PIERCE.

WASHINGTON, D. C., *December 5th*, 1854.

*To the Senate of the United States:*

I nominate John Cain, of Indiana, to be agent for the Indians in Washington Territory.

FRANKLIN PIERCE.

WASHINGTON, *December 6th*, 1854.

*To the Senate of the United States:*

I hereby nominate Thomas W. Pegnes to be deputy postmaster at Camden, in the county of Kershaw, State of South Carolina, in place of John N. Gamervill, resigned.

FRANKLIN PIERCE.

WASHINGTON, *December 11th*, 1854.

*To the Senate of the United States:*

I hereby nominate Jacob Sorber to be deputy postmaster at Wilkesbarre, in the county of Luzerne, State of Pennsylvania, in place of John Reichard, resigned.

FRANKLIN PIERCE.

WASHINGTON, *December 11th*, 1854.

*To the Senate of the United States:*

I nominate George B. Merwin, of Ohio, to be consul of the United States for the port of Valparaiso, in the Republic of Chil , in the place of Reuben Wood, resigned.

FRANKLIN PIERCE.

WASHINGTON, *7 December*, 1854.

*To the Senate of the United States:*

I nominate John Priest, of Pennsylvania, to be consul of the United States for the port of San Juan del Sur, in the State of Nicaragua, in the place of J. S. Pardee, deceased.

FRANKLIN PIERCE.

WASHINGTON, *7 December*, 1854.

*To the Senate of the United States:*

I nominate William Nolen to be surveyor and inspector of the revenue for the port of Paducah, in the State of Kentucky, under the act approved August 2d, 1854.

FRANKLIN PIERCE.

WASHINGTON, *December 7*, 1854.



*To the Senate of the United States:*

I nominate William Shearer to be surveyor and inspector of the revenue for the port of Lake Port, in the State of Louisiana, under the act approved August 2, 1854.

FRANKLIN PIERCE.

WASHINGTON, *December 7, 1854.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to approval, a compact between the United States and the Royal Government of Lew Chew, entered into at Napa on the 11th day of July last, for securing certain privileges to vessels of the United States resorting to the Lew Chew Islands.

A copy of the instructions of the Secretary of State upon the subject is also herewith transmitted.

FRANKLIN PIERCE.

WASHINGTON, *December 5, 1854.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention for regulating the right of inheriting and acquiring property, concluded in this city on the 21st day of August last, between the United States and His Highness the Duke of Brunswick and Luneburg.

FRANKLIN PIERCE.

WASHINGTON, *December 5, 1854.*

The messages were read.

On motion by Mr. Dodge, of Iowa,

The Senate, by unanimous consent, proceeded to consider the nomination of Thomas C. Hunt; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

*Ordered*, That the nominations of Charles H. Lamb and others for promotion and appointment in the Army be referred to the Committee on Military Affairs.

*Ordered*, That the nominations of Charles H. Bell and others for promotion and appointment in the Navy be referred to the Committee on Naval Affairs.

*Ordered*, That the nomination of John Cain be referred to the Committee on Indian Affairs.

*Ordered*, That the nominations of Thomas W. Pegnes and Jacob Sorber be referred to the Committee on the Post-Office and Post-Roads.

*Ordered*, That the nominations of George B. Merwin, Jacob Priest, William Nolen, and William Shearer be referred to the Committee on Commerce.

The compact between the United States of America and the Royal Government Lew Chew, entered into at Napa on the 11th of July, 1854, was read the first time.

On motion by Mr. Mason,

*Ordered*, That the compact, together with the message and instructions, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

The convention between the United States of America and His Highness the Duke of Brunswick and Luneburg, concluded at Washington the 21st day of August, 1854, was read the first time.



On motion by Mr. Mason,

*Ordered*, That the convention and message be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate. (2)

WEDNESDAY, DECEMBER 13, 1854.

The following messages were received from the President of the United States, by Mr. Webster, his secretary :

*To the Senate of the United States :*

I nominate James B. Bowlin, of Missouri, to be minister resident of the United States in the Republic of New Granada, in the place of James S. Green, resigned.

FRANKLIN PIERCE.

WASHINGTON, 13 December, 1854.

*To the Senate of the United States :*

I nominate Edward J. Steptoe to be governor of the Territory of Utah, to succeed Brigham Young, whose term of office will, according to law, expire when his successor will be appointed and qualified.

FRANKLIN PIERCE.

WASHINGTON, 13 December, 1854.

*To the Senate :*

I herewith transmit a communication from the Secretary of the Treasury requesting authority to invest the sum of six thousand five hundred and sixty-one dollars and eighty cents, received from the sales of lands in the Chickasaw cession, in stocks, for the benefit of the Chickasaw national fund, as required by the eleventh article of the treaty with the Chickasaws of the 20th October, 1832, and the act of Congress of 11th September, 1841.

FRANKLIN PIERCE.

WASHINGTON, 11th December, 1854.

The messages were read.

On motion by Mr. Mason,

The Senate, by unanimous consent, proceeded to consider the nomination of James B. Bowlin ; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

*Ordered*, That the nomination of Edward J. Steptoe be referred to the Committee on Territories.

Mr. Hamlin, from the Committee on Commerce, to whom were referred, the 12th instant, the nominations of George B. Merwin, John Priest, William Nolen, and William Shearer, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

WEDNESDAY, DECEMBER 20, 1854.

The following messages were received from the President of the United States, by Mr. Webster, his secretary :

*To the Senate of the United States :*

I hereby nominate James S. Whitney, of Massachusetts, to be superintendent of the United States Armory at Springfield, Massachusetts, to take effect from the 13th October, 1854.



I also nominate Henry W. Clowe, of Virginia, to be superintendent of the United States Armory at Harper's Ferry, Virginia.

FRANKLIN PIERCE.

WASHINGTON, 19th December, 1854.

*To the Senate of the United States:*

I nominate Mark W. Izard, of the Territory of Nebraska, to be governor of the said Territory, in the place of Francis Burt, deceased.

FRANKLIN PIERCE.

WASHINGTON, 19th December, 1854.

*To the Senate of the United States:*

I nominate Albert Greenleaf, of the District of Columbia, to be Navy agent for the navy-yard at the city of Washington and for the Navy Department, for four years, vice A. G. Allen, resigned.

FRANKLIN PIERCE.

WASHINGTON, December 19, 1854.

*To the Senate of the United States:*

I nominate Jared C. Martin, of Arkansas, to be receiver of public moneys at Little Rock, Arkansas, to take effect on the 1st day of January, 1855, vice Benjamin F. Danley, resigned.

FRANKLIN PIERCE.

WASHINGTON, December 20, 1854.

*To the Senate of the United States:*

I hereby nominate Fairman F. Taber to be deputy postmaster at Natchitoches, parish of Natchitoches, State of Louisiana, in place of Timothy Lacoste, resigned.

FRANKLIN PIERCE.

WASHINGTON, December 20, 1854.

*To the Senate of the United States:*

I nominate Daniel Shaw, of Wisconsin, to be register of the land office at Milwaukee, Wisconsin, to take effect on the 1st day of January, 1855, vice Jacob H. Kimball, resigned.

FRANKLIN PIERCE.

WASHINGTON, December 20th, 1854.

The messages were read.

*Ordered*, That the nominations of James S. Whitney and Henry W. Clowe be referred to the Committee on Military Affairs.

On motion by Mr. Dodge, of Iowa,

*Ordered*, That the nomination of Daniel Shaw be referred to the Committee on Public Lands.

On motion by Mr. Douglas,

The Senate, by unanimous consent, proceeded to consider the nomination of Mark W. Izard; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Brodhead,

The Senate, by unanimous consent, proceeded to consider the nomination of Albert Greenleaf; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.



On motion by Mr. Dodge, of Iowa,

The Senate, by unanimous consent, proceeded to consider the nomination of Jared C. Martin; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Slidell,

The Senate, by unanimous consent, proceeded to consider the nomination of Fairman F. Taber; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Brodhead, from the Committee on the Post-Office and Post-Roads, to whom were referred the nominations of Thomas W. Pegues and Jacob Sorber, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Douglas, from the Committee on Territories, to whom was referred, the 13th instant, the nomination of Edward J. Steptoe, reported.

Whereupon

The Senate proceeded to consider the said nomination; and

After debate,

On motion by Mr. Douglas,

*Ordered*, That the nomination be recommitted to the Committee on Territories.

Mr. Sebastian, from the Committee on Indian Affairs, to whom was referred, the 13th instant, the message of the President requesting authority to invest the sum of six thousand five hundred and sixty-one dollars and eighty cents, received from the sales of lands in the Chickasaw cession, in stocks for the benefit of the Chickasaw national fund, reported the following resolution:

Whereas the eleventh article of the "Articles of a treaty made and entered into between General John Coffee, duly authorized thereto by the President of the United States, and the whole Chickasaw Nation, in general council assembled, at the Council House, on Pontitock Creek, on the 20th day of October, 1832," provides as follows, to wit: "The Chickasaw Nation have determined to create a perpetual fund for the use of the nation forever, out of the proceeds of the country now ceded away; and for that purpose they propose to invest a large proportion of the money arising from the sale of the land in some safe and valuable stocks, which will bring them in an annual interest or dividend, to be used for all national purposes, leaving the principal untouched, intending to use the interest alone. It is therefore proposed by the Chickasaws, and agreed to, that the sum to be laid out in stocks, as above mentioned, shall be left with the Government of the United States until it can be laid out under the direction of the United States, by and with the advice and consent of the Senate, in such safe and valuable stock as he may approve of for the use and benefit of the Chickasaw Nation." And whereas the act to repeal a part of the 6th section of the act entitled "An act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes," passed July 7th, 1838, provides that funds held in trust by the United States, and the annual interest accruing thereon, when not otherwise required by treaty, shall be invested in stocks of the United States bearing a rate of interest not less than five per centum per annum: Therefore,



*Be it resolved*, That the advice and consent of the Senate of the United States be, and the same hereby is, given to the investment, under the direction of the President of the United States, of the sum of six thousand five hundred and sixty-one dollars and eighty cents, now standing on the books of the Treasury as having been received from the sales of lands in the Chickasaw cession, in any stock of the United States bearing a rate of interest not less than five per centum per annum, for the use and benefit of the Chickasaw Nation of Indians.

On motion by Mr. Sebastian,

The Senate, by unanimous consent, proceeded to consider the said resolution, and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

THURSDAY, DECEMBER 21, 1854.

The following message was received from the President of the United States, by Mr. Webster, his secretary :

*To the Senate of the United States :*

I nominate Doctor Joseph R. Smith, of New York, for the appointment of assistant surgeon in the Army of the United States, as proposed in the accompanying communication of the Secretary of War.

FRANKLIN PIERCE.

WASHINGTON, *December* 16, 1854.

WAR DEPARTMENT, *December* 16, 1854.

SIR: I have the honor respectfully to propose for your approbation the name of Doctor Joseph R. Smith, of New York, for the appointment of assistant surgeon in the Army of the United States, to fill a vacancy occasioned by the death of Assistant Surgeon Joel Martin, and to date from December 15, 1854. Doctor Smith is the first legally qualified candidate for the appointment of assistant surgeon under the 1st section of the act "to increase and regulate the pay of surgeons and assistant surgeons," approved June 30, 1834.

I am, sir, with great respect, your ob't serv't,

JEFFER. DAVIS,  
*Secretary of War.*

To the PRESIDENT OF THE UNITED STATES.

The message was read.

*Ordered*, That the nomination of Joseph R. Smith be referred to the Committee on Military Affairs.

Mr. Douglas, from the Committee on Territories, to whom was recommit-  
ted, the 20th instant, the nomination of Edward J. Steptoe, reported.

Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Jones, of Iowa,

*Ordered*, That James W. Schaumburg have leave to withdraw his memorial presented in the Senate in executive session on the 19th June, 1854.



THURSDAY, JANUARY 4, 1855.

The following messages were received from the President of the United States, by Mr Webster, his secretary:

*To the Senate of the United States:*

I nominate Charles G. McCawley to be a first lieutenant in the Marine Corps, from the 2d of January, 1855, vice First Lieutenant Henry B. Watson, resigned.

Henry B. Tyler, jr., to be a second lieutenant in the Marine Corps, from the 2d of January, 1855, to fill the vacancy created by the promotion of C. G. McCawley.

FRANKLIN PIERCE.

WASHINGTON, D. C., *January 3d*, 1855.

*To the Senate of the United States:*

I hereby nominate C. P. Ellis to be deputy postmaster at Newark, county of Licking and State of Ohio, in place of William Parr, resigned.

FRANKLIN PIERCE.

WASHINGTON, D. C., *January 3*, 1855.

*To the Senate of the United States:*

I herewith transmit to the Senate, for its constitutional action thereon, a treaty made at the Neosho Agency, on the 12th August, 1854, by Andrew J. Dorn, commissioner on the part of the United States, and the chiefs and warriors of the Quapaw tribe of Indians.

FRANKLIN PIERCE.

WASHINGTON, *December 20th*, 1854.

*To the Senate of the United States:*

I herewith transmit to the Senate for its constitutional action thereon, a treaty made by Andrew J. Dorn, commissioner on the part of the United States, on the 23d of August, 1854, and the chiefs and warriors of the Senecas of Sandusky and the Senecas and Shawnees of Lewistown, designated by the treaty of 1832 as the United Nation of Seneca and Shawnee Indians.

FRANKLIN PIERCE.

WASHINGTON, *December 20*, 1854.

*To the Senate of the United States:*

I herewith transmit to the Senate, for its constitutional action thereon, a treaty made at La Pointe, Wisconsin, on the 30th of September, 1854, by Henry C. Gilbert and David B. Harriman, commissioners on the part of the United States, and the chiefs and head men of the Chipewas of Lake Superior and the Mississippi.

FRANKLIN PIERCE.

WASHINGTON, *December 20*, 1854.

The messages were read.

*Ordered*, That the nominations of Charles G. McCawley and Henry B. Tyler, jr., be referred to the Committee on Naval Affairs.

*Ordered*, That the nomination of C. P. Ellis be referred to the Committee on the Post-Office and Post-Roads.

The articles of agreement and convention made and concluded at the Neosho Agency this 12th day of August, 1854, by Andrew J. Dorn,



commissioner on the part of the United States, and the undersigned chiefs and warriors of the Quapaw tribe of Indians, were read the first time.

On motion by Mr. Badger,

*Ordered*, That these articles, together with the message and documents accompanying the same, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

The articles of agreement and convention made and concluded at the Neosho Agency this 23d day of August, 1854, by Andrew J. Dorn, commissioner on the part of the United States, and the chiefs and warriors of the Senecas of Sandusky and the Senecas and Shawnees of Lewistown, designated by the treaty of 1832, hereinafter recited, as the "United Nation of Seneca and Shawnee Indians," were read the first time.

On motion by Mr. Badger,

*Ordered*, That these articles, together with the message and documents accompanying the same, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

The articles of a treaty made and concluded at La Point, in the State of Wisconsin, between Henry C. Gilbert and David B. Harriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and head men, the 30th day of September, 1854; read twice the first time.

On motion by Mr. Badger,

*Ordered*, That these articles, together with the message and documents accompanying the same, be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

Mr. Shields, from the Committee on Military Affairs, to whom were referred, the 12th December, the nominations of Charles H. Lamb and others for promotion and appointment in the Army of the United States, on the 20th December those of James S. Whitney and Henry W. Clowe, and on the 21st December that of Joseph R. Smith, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the promotion and appointment of the said persons, agreeably to their nominations respectively.

Mr. Sebastian, from the Committee on Indian Affairs, to whom was referred, the 12th instant, the nomination of John Cain, reported.

Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Dodge, of Iowa, from the Committee on Public Lands, to whom was referred, the 20th December, the nomination of Daniel Shaw, reported.

Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

### WEDNESDAY, JANUARY 10, 1855.

The following messages were received from the President of the United States, by Mr. Webster, his secretary:

*To the Senate of the United States:*

I nominate for appointment to the office of attorney of the United States for the district of Delaware, Daniel M. Bates, of the State of Del-



aware, appointed during the recess, in place of Thomas F. Bayard, resigned.

FRANKLIN PIERCE.

WASHINGTON, 9 January, 1855.

*To the Senate of the United States :*

I nominate for reappointment to the office of district attorney of the United States for the southern district of Florida, William R. Hackley, of the State of Florida, to take effect from the expiration of his commission.

FRANKLIN PIERCE.

WASHINGTON, 9 January, 1855.

*To the Senate of the United States :*

I nominate for appointment to the office of chief justice of the supreme court of the Territory of Kansas, Samuel Dexter Lecompte, of the State of Maryland, appointed during the recess, in place of Madison Brown, resigned.

FRANKLIN PIERCE.

WASHINGTON, 9 January, 1855.

*To the Senate of the United States :*

I nominate for appointment to the office of attorney of the United States for the Territory of Oregon, ———, appointed during the recess, in place of Benjamin F. Harding, resigned.

FRANKLIN PIERCE.

WASHINGTON, 9 January, 1855.

*To the Senate of the United States :*

I nominate for appointment to the office of marshal of the United States for the Territory of Oregon, John McCracken, of Oregon, appointed during the recess, in place of I. W. Nesmith, resigned.

FRANKLIN PIERCE.

WASHINGTON, 9 January, 1855.

*To the Senate of the United States :*

I nominate for appointment to the office of associate justice of the Territory of Utah, William W. Drummond, of the State of Illinois, appointed during the recess, in place of George Edmunds, jr., resigned.

FRANKLIN PIERCE.

WASHINGTON, 9 January, 1855.

*To the Senate of the United States :*

I nominate Henry P. Whallon to be collector of the customs for the district and inspector of the revenue for the port of Dunkirk, in the State of New York, under the act approved July 27th, 1854.

FRANKLIN PIERCE.

WASHINGTON, January 9, 1855.

The messages were read.

*Ordered,* That the nominations of Daniel M. Bates, William R. Hackley, Samuel Dexter Le Compte, William H. Farrar, and John McCracken be referred to Committee on the Judiciary.



*Ordered*, That the nomination of Henry P. Whallon be referred to the Committee on Commerce.

On motion by Mr. Douglas,

The Senate, by unanimous consent, proceeded to consider the nomination of William W. Drummond; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Rusk, from the Committee on the Post-Office and Post-Roads, to whom was referred, the 4th instant, the nomination of C. P. Ellis, reported.

Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Sebastian, from the Committee on Indian Affairs, to whom was referred, the 4th instant, the articles of a treaty with Chippewa Indians of Lake Superior, reported the same without amendment.

The articles of the treaty were read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Sebastian submitted the following resolution for consideration :

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at La Pointe, in the State of Wisconsin, between Henry C. Gilbert and David B. Harriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and head men, on the 30th day of September, 1854.

The Senate, by unanimous consent, proceeded to consider the said resolution and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Fish presented the memorial of John J. Young, a commander in the naval service of the United States, complaining of being deprived by certain rules adopted by the Navy Department of the rank to which he considers himself entitled, and praying for relief; which was referred to the Committee on Naval Affairs.

#### THURSDAY, JANUARY 11, 1855.

Mr. Butler, from the Committee on the Judiciary, to whom were referred, the 10th instant, the nominations of Daniel M. Bates, William R. Hackley, Samuel Dexter Lecompte, William H. Farrar, and John McCracken, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Stuart, from the Committee on Commerce, to whom was referred, the 10th instant, the nomination of Henry P. Whallon, reported.

Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.



MONDAY, JANUARY 15, 1855.

The following messages were received from the President of the United States, by Mr. Webster, his secretary :

*To the Senate of the United States :*

I nominate William L. Caldwell, of Illinois, to be receiver of public moneys at Shawneetown, Illinois, vice Samuel K. Casey, resigned.

FRANKLIN PIERCE.

WASHINGTON, *January 10th*, 1855.

*To the Senate of the United States :*

I nominate Robert Benguerel, of Louisiana, who was commissioned during the recess of the Senate, to be register of the land office for the district of lands subject to sale at Opelousas, Louisiana.

FRANKLIN PIERCE.

WASHINGTON, *January 10th*, 1855.

*To the Senate of the United States :*

I nominate Robert D. Haden, of Mississippi, who was commissioned during the recess of the Senate, to be receiver of public moneys for the district of lands subject to sale at Columbus, Mississippi.

FRANKLIN PIERCE.

WASHINGTON, *January 10th*, 1855.

*To the Senate of the United States :*

I nominate Thomas Welsh, of Alabama, who was commissioned during the recess of the Senate, to be receiver of public moneys for the district of lands subject to sale at Montgomery, Alabama.

FRANKLIN PIERCE.

WASHINGTON, *January 10*, 1855.

*To the Senate of the United States :*

I nominate George H. Ambrose, of Oregon, who was commissioned during the recess of the Senate, to be agent for the Indians in Oregon Territory.

FRANKLIN PIERCE.

WASHINGTON, *January 10th*, 1855.

*To the Senate of the United States :*

I nominate Nathan Olney, of Oregon, who was commissioned during the recess of the Senate, to be agent for the Indians in Oregon Territory.

FRANKLIN PIERCE.

WASHINGTON, *January 10*, 1855.

*To the Senate of the United States :*

I nominate Abraham G. Mayers, of Arkansas, who was commissioned during the recess of the Senate, to be agent for the Indians in New Mexico.

FRANKLIN PIERCE.

WASHINGTON, *January 12th*, 1855.

The messages were read.



*Ordered*, That the nominations of William L. Caldwell, Robert Beaugerel, Robert D. Haden, and Thomas Welsh be referred to the Committee on Public Lands.

*Ordered*, That the nominations of George H. Ambrose and Nathan Olney be referred to the Committee on Indian Affairs.

On motion by Mr. Sebastian,

The Senate, by unanimous consent, proceeded to consider the nomination of Abraham G. Mayers; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

## TUESDAY, JANUARY 16, 1855.

The following message was received from the President of the United States, by Mr. Webster, his secretary:

*To the Senate of the United States:*

I nominate John C. Breckinridge, of Kentucky, to be envoy extraordinary and minister plenipotentiary of the United States, near Her Majesty the Queen of Spain, in the place of Pierre Soulé, recalled at his own request.

FRANKLIN PIERCE.

WASHINGTON, *January* —, 1855.

On motion by Mr. Mason,

The Senate, by unanimous consent, proceeded to consider the nomination of John C. Breckinridge; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

## FRIDAY, JANUARY 19, 1855.

The following messages were received from the President of the United States, by Mr. Webster, his secretary:

*To the Senate of the United States:*

I hereby nominate F. M. Comfort to be deputy postmaster at Clinton, county of Hinds, State of Mississippi, in place of P. R. Lewis, resigned.

FRANKLIN PIERCE.

WASHINGTON, D. C., *January* 11, 1855.

*To the Senate of the United States:*

I nominate Martin Russell to be surveyor and inspector of the revenue for the port of Troy, in the State of New York, in the place of Edwin Brownell; resigned.

FRANKLIN PIERCE.

WASHINGTON, *January* 16, 1855.

*To the Senate of the United States:*

I nominate the following persons, namely: Thomas Carbery, Lewis Carbery, Nicholas Callan, John D. Clarke, Joseph N. Fearson, John H. Goddard, William J. McCormick, Henry Reaven, Pierce Shoemaker, William Waters, for reappointment to the office, severally, of justice of the peace in the District of Columbia, to take effect from the 20th instant, when their present commissions expire.

FRANKLIN PIERCE.

WASHINGTON, *January* 17, 1855.



*To the Senate of the United States :*

I nominate Richmond Aulick, now a master in the line of promotion, to be a lieutenant in the Navy from the 24th of November, 1854, vice Lieutenant Samuel E. Mann, deceased.

FRANKLIN PIERCE.

WASHINGTON, D. C., *January 17, 1855.*

*To the Senate of the United States :*

I hereby nominate William H. Endicott to be deputy postmaster at Nevada City, Nevada, County State of California, in place of R. A. Davidge, removed.

FRANKLIN PIERCE.

WASHINGTON, D. C., *January 18, 1855.*

*To the Senate of the United States :*

I hereby nominate Robert F. Davis to be deputy postmaster at Coloma, El Dorado County, State of California, in place of A. D. Waldron, moved away.

FRANKLIN PIERCE.

WASHINGTON, D. C., *January 18, 1855.*

*To the Senate of the United States :*

I hereby nominate Allen M. Thatcher to be deputy postmaster at Placerville, El Dorado County, State of California, in place of Wm. D. Williams, removed.

FRANKLIN PIERCE.

WASHINGTON, D. C., *January 18, 1855.*

*To the Senate of the United States :*

I transmit herewith to the Senate, for its constitutional action thereon, an article of agreement and convention made and concluded on the 9th day of December, 1854, between the United States, by George Hepner, United States Indian agent, and the chiefs and headmen of the confederate tribes of Otoe and Missouri Indians, being a supplement to the treaty made between the United States and said confederate tribes on the 15th day of March, 1854.

FRANKLIN PIERCE.

WASHINGTON, *January 9, 1855.*

The messages were read.

*Ordered*, That the nominations of F. M. Comfort and Allen M. Thatcher be referred to the Committee on the Post-Office and Post-Roads.

*Ordered*, That the nomination of Martin Russell be referred to the Committee on Commerce.

*Ordered*, That the nomination of Richmond Aulick be referred to the Committee on Naval Affairs.

On motion by Mr. Jones, of Iowa,

The Senate, by unanimous consent, proceeded to consider the nominations of Thomas Carbery, Lewis Carbery, Nicholas Callan, John D. Clarke, Joseph N. Fearson, John H. Goddard, William J. McCormick, Henry Reaver, Pierce Shoemaker, and William Waters; and

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

On motion by Mr. Weller,

The Senate, by unanimous consent, proceeded to consider the nomination of William H. Endicott; and



*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr Gwin,

The Senate, by unanimous consent, proceeded to consider the nomination of Robert F. Davis; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Gwin, from the Committee on Naval Affairs, to whom were referred, the 12th December, the nominations of Charles H. Bell and others, for promotion and appointment in the Navy and Marine Corps, and on the 4th instant those of Charles G. McCauley and Henry B. Tyler, jun'r, reported.

The article of agreement and convention made and concluded at Nebraska City, in the Territory of Nebraska, on the 9th day of December, 1854, between the United States of America, by George Hepner, United States Indian agent, duly authorized thereto, and the chiefs and headmen of the confederate tribes of the Otoe and Missouri Indians, to be taken and considered as a supplement to the treaty made between the United States and said confederate tribes on the 15th day of March, 1854, was read the first time.

On motion by Mr. Gwin,

*Ordered*, That the article of agreement and convention, together with the message and accompanying documents, be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

Mr. Johnson submitted the following resolution; which was considered, by unanimous consent, and agreed to:

*Resolved*, That the Committee on Naval Affairs be instructed to investigate the case of Midshipman Stephen B. Luce, who, upon a finding of a court of inquiry as to some irregularity of the cadets of the Annapolis Naval Academy, was degraded seventy-one numbers, equal in the line of promotion to ten years of his life, and that they recommend and report such relief, if any, as may be just and right.

Mr. Johnson presented an argument in the case and the copy of a letter from J. F. Lee, judge-advocate, War Department, dated the 13th of April, 1854, relating to the practice in similar cases regarding cadets of the Military Academy at West Point; which were referred, with the resolution, to the Committee on Naval Affairs.

#### WEDNESDAY, JANUARY 24, 1855.

On motion by Mr. Badger that the injunction of secrecy be removed from the resolution submitted by Mr. Badger the 16th March, and agreed to the 4th April, 1853, relative to the power of the President to remove a Territorial judge from office,

On motion by Mr. Clayton,

*Ordered*, That said motion lie on the table.

#### THURSDAY, FEBRUARY 8, 1855.

The following messages were received from the President of the United States, by Mr. Webster, his secretary:

*To the Senate of the United States:*

I nominate the officers named in the accompanying list for regular promotion in the Army of the United States, as proposed by the Secretary of War.

FRANKLIN PIERCE.

WASHINGTON, *January 20, 1853.*



[Duplicate. January 20, 1855.]

WAR DEPARTMENT, *January 4, 1855.*

SIR: I have the honor to submit the following list of officers for regular promotion in the Army of the United States:

*Corps of Engineers.*

Second Lieutenant William P. Trowbridge to be first lieutenant, December 18, 1854, vice G. W. Smith, resigned.

Brevet Second Lieutenant James B. McPherson to be second lieutenant, December 18, 1854, vice Trowbridge, promoted.

*Ordnance Department.*

Major James W. Ripley to be lieutenant-colonel, December 31, 1854, vice Baker, resigned.

Captain Alfred Mordecai to be major, December 31, 1854, vice Ripley, promoted.

Brevet Second Lieutenant William R. Boggs to be second lieutenant, December 31, 1854, the date of Captain Mordecai's promotion.

*First Regiment of Artillery.*

Captain Charles F. Smith, of the Second Regiment of Artillery, to be major, November 25, 1854, vice Lowd, deceased.

*Second Regiment of Artillery.*

First Lieutenant Harvey A. Allen to be captain, November 25, 1854, vice Smith, promoted major in the First Regiment of Artillery.

Second Lieutenant Robert B. Thomas to be first lieutenant, November 25, 1854, vice Allen, promoted.

Brevet Second Lieutenant Oliver D. Greene, of the Third Regiment of Artillery, to be second lieutenant, November 25, 1854, vice Thomas, promoted.

*Fourth Regiment of Artillery.*

Second Lieutenant William A. Nimmo to be first lieutenant, December 18, 1854, vice Lovell, resigned.

Brevet Second Lieutenant Stephen H. Weed, of the Second Regiment of Artillery, to be second lieutenant, December 18, 1854, vice Nimmo, promoted.

*Fifth Regiment of Infantry.*

Second Lieutenant Joseph Updegraff to be first lieutenant, December 31, 1854, vice Abbott, resigned.

Brevet Second Lieutenant Philip H. Sheridan, of the First Regiment of Infantry, to be second lieutenant, December 31, 1854, vice Updegraff, promoted.

I am, sir, very respectfully, y<sup>r</sup> ob<sup>t</sup> serv<sup>t</sup>,

JEFFER. DAVIS,

*Secretary of War.*

To the PRESIDENT OF THE UNITED STATES.



*To the Senate of the United States :*

I nominate Leonidas Martin, of Alabama, to be consul of the United States for the port of Mazatlan, in Mexico, in the place of Robert R. Gatton, deceased.

FRANKLIN PIERCE.

WASHINGTON, 22d January, 1855.

*To the Senate of the United States :*

I nominate John Bleecker Miller, of New York, to be secretary of the legation of the United States near the Government of Peru, in the place of James C. Marriott, resigned.

FRANKLIN PIERCE.

WASHINGTON, 29th January, 1855.

*To the Senate of the United States :*

I nominate for reappointment to the office of marshal of the United States for the Territory of Utah Joseph L. Haywood, of Utah, whose term of service has expired.

FRANKLIN PIERCE.

WASHINGTON, 29th January, 1855.

*To the Senate of the United States :*

I nominate for appointment to the office of marshal of the United States for the Territory of Nebraska, Eli R. Doyle, of Nebraska, in place of Mark W. Izard, resigned.

FRANKLIN PIERCE.

WASHINGTON, 29 January, 1855.

*To the Senate of the United States :*

I nominate H. W. Moreland to be collector of the customs for the district and inspector of the revenue for the port of Yorktown, in the State of Virginia, in the place of Philip I. Barziza, resigned.

FRANKLIN PIERCE.

WASHINGTON, January 29, 1855.

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to Thomas C. Porter as collector of the customs for the district of New Orleans, in the State of Louisiana, in the place of S. W. Downs, deceased, I now nominate him to the same.

FRANKLIN PIERCE.

WASHINGTON, January 29, 1855.

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to William E. Starke as surveyor for the district and inspector of the revenue for the port of New Orleans, in the State of Louisiana, in the place of Thomas C. Porter, appointed collector, I now nominate him to the same.

FRANKLIN PIERCE.

WASHINGTON, January 29, 1855.

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to Francis Leech as appraiser of merchandise for the port of New Or-



leans, in the State of Louisiana, in the place of William E. Starke, appointed surveyor, I now nominate him to the same.

FRANKLIN PIERCE.

WASHINGTON, *January 29, 1855.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to William P. Reyburn as assistant appraiser of merchandise for the port of New Orleans, in the State of Louisiana, in the place of Francis Leech, appointed appraiser, I now nominate him to the same.

FRANKLIN PIERCE.

WASHINGTON, *January 29, 1855.*

*To the Senate of the United States :*

I hereby nominate John J. Hoffman to be deputy postmaster at Massillon, county of Stark, State of Ohio, in place of John Shepley, removed.

FRANKLIN PIERCE.

WASHINGTON, D. C., *January 29, 1855.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to George K. Childs as chief coiner of the United States mint at Philadelphia, in the State of Pennsylvania, in the place of Franklin Peale, removed, I now nominate him to the same.

FRANKLIN PIERCE.

WASHINGTON, *January 29, 1855.*

*To the Senate of the United States :*

I hereby nominate Hugh M. Boyd to be deputy postmaster of Atlanta, county of De Kalb, State of Georgia, in place of George G. Smith, removed.

FRANKLIN PIERCE.

WASHINGTON, D. C., *January 31, 1855.*

*To the Senate of the United States :*

I nominate Samuel P. Collings, of Pennsylvania, to the office of consul of the United States for the Empire of Morocco, to which office he was appointed during the last recess of the Senate, in the place of George V. Brown, recalled.

FRANKLIN PIERCE.

WASHINGTON, *1 February, 1855.*

*To the Senate of the United States :*

I hereby nominate Benjamin O. Pickett to be deputy postmaster of Maysville, county of Mason, State of Kentucky, in place of Wm. S. Pickett, deceased.

FRANKLIN PIERCE.

WASHINGTON, D. C., *February 1, 1855.*

*To the Senate of the United States :*

I nominate for reappointment to the office of justice of the peace for the county of Washington, in the District of Columbia, Joseph N. Fearson.

FRANKLIN PIERCE.

WASHINGTON, *1st February, 1855.*



*To the Senate of the United States :*

I nominate Charles H. Morrison, of Louisiana, to be receiver of public moneys at Ouachita, Louisiana, vice Peyton G. King, resigned.

FRANKLIN PIERCE.

WASHINGTON, *February 5, 1855.*

*To the Senate of the United States :*

I nominate Philip Harvey to be a surveyor and inspector of the revenue for the port of Burlington, in the State of Iowa, in the place of Anthony W. Carpenter, resigned.

FRANKLIN PIERCE.

WASHINGTON, *February 8, 1855.*

*To the Senate of the United States :*

I nominate Samuel S. Cox, of Ohio, to be secretary of the legation of the United States near the Government of Peru, in the place of James C. Marriott, resigned, the nomination of John Bleecker Miller to that office being hereby withdrawn.

FRANKLIN PIERCE.

WASHINGTON, *8th February, 1855.*

*To the Senate of the United States :*

I nominate W. W. Banks, of Virginia, to be consul of the United States at Aguas Calientes, in Mexico.

FRANKLIN PIERCE.

WASHINGTON, *8th February, 1855.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to John McClintock (his late commission having expired) as naval officer for the district of Portsmouth, in the State of New Hampshire, I now nominate him to the same.

FRANKLIN PIERCE.

WASHINGTON, *February 8, 1855.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to Joseph Ramsey (his late commission having expired) as collector of the customs for the district and inspector of the revenue for the port of Plymouth, in the State of North Carolina, I now nominate him to the same.

FRANKLIN PIERCE.

WASHINGTON, *February 8, 1855.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to A. D. Banks as collector of the customs for the district of Petersburg, in the State of Virginia, in the place of Lewis Lunsford, resigned, I now nominate him to the same.

FRANKLIN PIERCE.

WASHINGTON, *February 8, 1855.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to William M. Harrison as collector of the customs for the district of



Richmond, in the State of Virginia, in the place of John Lynch, deceased, I now nominate him to the same.

FRANKLIN PIERCE.

WASHINGTON, *February 8, 1855.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to Robert I. Atkinson, of Ohio, as Third Auditor of the Treasury of the United States, in the place of Francis Burt, appointed governor of the Territory of Nebraska, I now nominate him to the same.

FRANKLIN PIERCE.

WASHINGTON, *February 8, 1855.*

*To the Senate of the United States :*

I transmit to the Senate, with a view to ratification, a convention which was concluded between the United States and Mexico, at the city of Mexico, on the 8th day of January last.

FRANKLIN PIERCE.

WASHINGTON, *1st February, 1855.*

*To the Senate of the United States :*

I transmit to the Senate, for its advice with regard to ratification, a convention for the mutual extradition of fugitives from justice in certain cases, between the United States and His Majesty the King of Hanover, signed by the plenipotentiaries of the two Governments at London on the 18th of January last. An extract from a dispatch of Mr. Buchanan to the Secretary of State relative to the convention is also herewith communicated.

FRANKLIN PIERCE.

WASHINGTON, *7th Feb'y, 1855.*

*To the Senate of the United States :*

I communicate to the Senate herewith, for its constitutional action thereon, articles of agreement and convention made and concluded at the city of Washington, on the 31st day of January, 1855, by George W. Manypenny, as commissioner on the part of the United States, and the chiefs and delegates of the Wyandott tribe of Indians.

FRANKLIN PIERCE.

WASHINGTON, *February 5, 1855.*

The messages were read.

*Ordered,* That the nominations of William P. Trowbridge and others for promotion in the Army be referred to the Committee on Military Affairs.

*Ordered,* That the nominations of Leonidas Martin, H. W. Moreland, Thomas C. Porter, William E. Starke, Francis Leech, William P. Reyburn, W. W. Banks, John McClintock, Joseph Ramsey, A. D. Banks, and William M. Harrison be referred to the Committee on Commerce.

*Ordered,* That the nomination of Samuel S. Cox be referred to the Committee on Foreign Relations.

*Ordered,* That the nominations of Joseph L. Haywood and Eli R. Doyle be referred to the Committee on the Judiciary.

*Ordered,* That the nominations of John J. Hoffman and Hugh M. Boyd be referred to the Committee on the Post-Office and Post-Roads.



*Ordered*, That the nomination of Robert J. Atkinson be referred to the Committee on Finance.

The Senate, by unanimous consent, proceeded to consider the nominations of George K. Childs, Samuel P. Collings, Benjamin O. Pickett, Joseph N. Fearson, Charles H. Morrison, and Philip Harvey; and

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

✓ The convention between the United States of America and the Republic of Mexico, concluded at the city of Mexico the 8th day of January, A. D. 1855, was read the first time.

On motion by Mr. Mason,

⑦ *Ordered*, That the convention and message be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

The convention for the mutual extradition of fugitives from justice in certain cases, concluded between the Government of the United States on the one part, and the Kingdom of Hanover on the other part, at London, the 18th day of January, A. D. 1855, was read the first time.

On motion by Mr. Mason,

⑧ *Ordered*, That the convention and message, with the document communicated therewith, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

The articles of agreement and convention made and concluded at the city of Washington on the 31st day of January, 1855, by George W. Manypenny, as commissioner on the part of the United States, and the following-named chiefs and delegates of the Wyandott tribe of Indians, viz: Tan-roo-mee, Matthew Mudeater, John Hicks, Silas Armstrong, George J. Clark, and Joel Walker, they being thereto duly authorized by said tribe, were read the first time.

On motion by Mr. Badger,

⑨ *Ordered*, That the articles of agreement and convention, and message, with the document communicated therewith, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

Mr. Dodge, of Iowa, from the Committee on Public Lands, to whom was referred, the 18th January, the nominations of William L. Caldwell, Robert D. Haden, and Thomas Welsh, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Sebastian, from the Committee on Indian Affairs, to whom were referred, the 15th January, the nominations of George H. Ambrose and Nathan Olney, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Dodge, of Wisconsin, from the Committee on Commerce, to whom was referred, the 19th January, the nomination of Martin Russell, reported.

Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Rusk, from the Committee on the Post-Office and Post-Roads, to whom was referred, the 19th January, the nomination of Allen M. Thatcher, reported.



Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Gwin,

The Senate proceeded to consider the nominations of R. W. Jeffery, T. M. Potter, S. Ridout Addison, William A. Nelson, William G. Hay, Daniel B. Conrad, J. E. Sample, W. T. Hord, Wyatt M. Brown, and Joseph Smith; and

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, the 12th December last, a compact between the United States of America and the Royal Government of Loo Choo, entered into at Napa on the 11th of July, 1854, reported it without amendment.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, the 12th December last, the convention between the United States of America and His Highness the Duke of Brunswick and Lunenburg, concluded at Washington the 21st day of August, 1854, reported it with an amendment, which was read.

#### FRIDAY, FEBRUARY 9, 1855.

The following message was received from the President of the United States, by Mr. Webster, his secretary:

*To the Senate of the United States:*

I nominate to the Senate Angus C. Dodge, of Iowa, as envoy extraordinary and minister plenipotentiary of the United States to Spain, in the place of John C. Breckenridge, declined.

FRANKLIN PIERCE.

WASHINGTON, 9th February, 1855.

The message was read.

On motion by Mr. Mason,

The Senate, by unanimous consent, proceeded to consider the nomination of Augustus C. Dodge; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Benjamin, from the Committee on Commerce, to whom were referred, the 8th instant, the nominations of Thomas C. Porter, William E. Starke, Francis Leech, and William P. Reyburn, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Stuart, from the Committee on Commerce, to whom were referred, the 8th instant, the nominations of H. W. Moreland, W. W. Banks, John McClintock, Joseph Ramsey, A. D. Banks, and William M. Harrison, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Clay, from the Committee on Commerce, to whom was referred, the 8th instant, the nomination of Leonidas Martin, reported.

Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.



On motion of Mr. Gwin,

The Senate proceeded to consider the nominations of Charles H. Bell, Abraham Bigelow, Henry H. Bell, William Smith, C. C. Simms, H. N. T. Arnold, Thomas Pattison, Julian Myers, James Higgins, Addison Garland, Thomas Y. Field, A. J. Dallas, Charles G. McCauley, and Henry B. Tyler, jr.; and

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations.

Mr. Gwin, from the Committee on Naval Affairs, to whom was referred, the 19th January, the nomination of Richmond Aurick, reported.

Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Stuart presented several letters and papers relating to the rank of Lieutenant Algernon S. Taylor, in the Marine Corps; which were referred to the Committee on Naval Affairs.

### WEDNESDAY, FEBRUARY 14, 1855.

The following messages were received from the President of the United States, by Mr. Webster, his secretary:

*To the Senate of the United States:*

I nominate Peter T. Crutchfield, of Arkansas, to be receiver of public moneys at Little Rock, Arkansas, vice Jared C. Martin, who declines the office.

FRANKLIN PIERCE.

WASHINGTON, *February 8, 1855.*

*To the Senate of the United States:*

I nominate Robert H. Swift, of Pennsylvania, to be consul of the United States for the port of Maricaibo, in Venezuela, in the place of Roland Dubs, deceased.

FRANKLIN PIERCE.

WASHINGTON, *February 8, 1855.*

*To the Senate of the United States:*

I nominate Oliver H. Perry, of New York, to be consul of the United States for the port of Canton, in China, in the place of Paul S. Forbes, resigned.

FRANKLIN PIERCE.

WASHINGTON, *10th February, 1855.*

*To the Senate of the United States:*

I nominate Hiram V. Willson for the appointment of judge of the district court of the United States for the northern district of Ohio.

FRANKLIN PIERCE.

WASHINGTON, *10th February, 1855.*

*To the Senate of the United States:*

I nominate Hugh I. Jewett for appointment to the office of district attorney of the United States for the southern district of Ohio.

FRANKLIN PIERCE.

WASHINGTON, *February 10, 1855.*



*To the Senate of the United States :*

I nominate for appointment to the office of marshal of the United States for the southern district of Ohio, Hiram H. Robinson.

FRANKLIN PIERCE.

WASHINGTON, 10th February, 1855.

*To the Senate of the United States :*

I herewith communicate to the Senate, for its constitutional action thereon, the articles of convention and agreement between the Choctaw and Chickasaw tribes of Indians, made on the 4th day of November, 1854, at Doaksville, near Fort Towson, Choctaw Nation.

FRANKLIN PIERCE.

WASHINGTON, February 9th, 1855.

The messages were read.

*Ordered*, That the nomination of Peter T. Crutchfield be referred to the Committee on Public Lands.

*Ordered*, That the nominations of Robert H. Swift and Oliver H. Perry be referred to the Committee on Commerce.

*Ordered*, That the nominations of Hiram V. Willson, Hugh I. Jewett, and Hiram H. Robinson be referred to the Committee on the Judiciary.

The articles of convention and agreement between the Choctaw and Chickasaw tribes of Indians, made on the 4th day of November, 1854, at Doaksville, near Fort Towson, Choctaw Nation, were read.

On motion by Mr. Douglas,

*Ordered*, That the said articles, together with the message and letters from the Secretary of the Interior, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

#### MONDAY, FEBRUARY 19, 1855.

The following messages were received from the President of the United States, by Mr. Webster, his secretary:

*To the Senate of the United States :*

I nominate James H. Durst to be collector of the customs for the district of Brazos de Santiago and inspector of the revenue for the port of Point Isabel, in the State of Texas, in the place of Stephen Powers, removed.

FRANKLIN PIERCE.

WASHINGTON, February 14, 1855.

*To the Senate of the United States :*

I nominate Felix R. Lewis to be surveyor and inspector of the revenue for the port of Jeffersonville, in the State of Indiana, under the act approved August 2, 1854.

FRANKLIN PIERCE.

WASHINGTON, February, 15th, 1855.

*To the Senate of the United States :*

I nominate the officers named in the accompanying list for regular promotion in the Army of the United States, as proposed by the Secretary of War.

FRANKLIN PIERCE.

WASHINGTON, February 15th, 1855.



WAR DEPARTMENT, *February 15, 1855.*

SIR: I have the honor to submit the following list of officers for regular promotion in the Army of the United States:

*Third Regiment of Artillery.*

Second Lieutenant Alexander Piper to be first lieutenant, January 31, 1855, vice Duncan, resigned.

Second Lieutenant John Edwards, jr., to be first lieutenant, February 15, 1855, vice Patton, resigned.

Brevet Second Lieutenant Edwin T. Townsend to be second lieutenant, January 31, 1855, vice Piper, promoted.

Brevet Second Lieutenant Alfred B. Chapman, of the Second Regiment of Artillery, to be second lieutenant, February 15, 1855, vice Edwards, promoted.

*Second Regiment of Infantry.*

First Lieutenant Frederick Steele to be captain, February 5, 1855, vice Murray, resigned.

Second Lieutenant Thomas Wright to be first lieutenant, February 5, 1855, vice Steele, promoted.

Brevet Second Lieutenant Alfred E. Latimer, of the Fourth Regiment of Infantry, to be second lieutenant, February 5, 1855, vice Wright, promoted.

*Third Regiment of Infantry.*

Lieutenant-Colonel Benjamin L. E. Bonneville, of the Fourth Regiment of Infantry, to be colonel, February 3, 1855, vice Stamford, deceased.

*Fourth Regiment of Infantry.*

Major George Wright to be lieutenant-colonel, February 3, 1855, vice Bonneville, promoted colonel of the Third Regiment of Infantry.

Captain Robert C. Buchanan to be major, February 3, 1855, vice Wright, promoted.

First Lieutenant Maurice Maloney to be captain, November 22, 1854, vice Montgomery, deceased.

First Lieutenant Thomas R. McConnell to be captain, February 3, 1855, vice Buchanan, promoted.

Second Lieutenant Francis H. Bates to be first lieutenant, November 22, 1854, vice Maloney, promoted.

Second Lieutenant Robert Macfeely to be first lieutenant, February 3, 1855, vice McConnell, promoted.

Brevet Second Lieutenant Philip H. Sheridan, of the First Regiment of Infantry, to be second lieutenant, November 22, 1854, vice Bates, promoted.

Brevet Second Lieutenant Elmer Otis, of the First Regiment of Infantry, to be second lieutenant, February 3, 1855, vice Macfeely, promoted.

*Fifth Regiment of Infantry.*

Brevet Second Lieutenant William A. Webb, of the Fourth Regiment of Infantry, to be second lieutenant, December 31, 1854, vice Updegraff, promoted.

I am, sir, with great respect, your ob't serv't,

JEFFER. DAVIS,

*Secretary of War.*

To the PRESIDENT OF THE UNITED STATES.

*To the Senate of the United States :*

I nominate Zachariah Walker for reappointment to the office of justice of the peace in the county of Washington, in the District of Columbia, to take effect from the twenty-fifth day of February, 1855.

FRANKLIN PIERCE.

15 FEBRUARY, 1855.

*To the Senate of the United States :*

I nominate Samuel Drury, of Washington, for reappointment to the office of justice of the peace in the county of Washington, in the District of Columbia, to take effect from the twenty-fifth day of February, 1855.

FRANKLIN PIERCE.

15 FEBRUARY, 1855.

*To the Senate of the United States :*

I nominate John Appleton, of Maine, to be secretary of the legation of the United States at the court of Her Britannic Majesty, in the place of Daniel E. Sickles, resigned.

FRANKLIN PIERCE.

WASHINGTON, 15 February, 1855.

*To the Senate of the United States :*

I nominate Douglass H. Cooper, of Mississippi, to be superintendent of Indian affairs for the Southern Superintendency, vice Thomas S. Drew, removed.

FRANKLIN PIERCE.

WASHINGTON, February 16, 1855.

*To the Senate of the United States :*

I nominate Samuel H. Montgomery, of Arkansas, to be agent for the Choctaw Indians, vice Douglass H. Cooper.

FRANKLIN PIERCE.

WASHINGTON, February 16, 1855.

*To the Senate of the United States :*

I transmit herewith, for the constitutional action of the Senate, a treaty made by Isaac I. Stevens, governor and superintendent of Indian affairs in Washington Territory, on the part of the United States, and the chiefs, headmen, and delegates of the Nesqually, Puyallup, Steilacoom, Squawksin, S'Homamish, Ste'h-chass, F'peeksin, Squi-aitl, and Sa-heh-wamish tribes and bands of Indians occupying the lands lying around the head of Puget's Sound and the adjacent inlets in Washington Territory.

FRANKLIN PIERCE.

WASHINGTON, Feb. 19, 1855.

*To the Senate of the United States :*

I transmit herewith, for the constitutional action of the Senate, a treaty made on the 15th day of November, 1854, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Rogue River Indians in Oregon Territory.

FRANKLIN PIERCE.

WASHINGTON, Feb. 19, 1855.



*To the Senate of the United States :*

I transmit herewith, for the constitutional action of the Senate, two treaties—one made on the 18th day of November, 1854, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Quil-si-eton, and Na-hel-ta bands of the Chasta tribe of Indians, the Cow-non-ti-co, Sa-cher-i-ton, and Na-al-ye bands of Scotans, and the Grave Creek band of Umpqua Indians in Oregon Territory ; the other, made on the 29th of November, 1854, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the confederated bands of the Umpqua tribe of Indians, and the Calaponas, residing in Umpqua Valley, Oregon Territory.

FRANKLIN PIERCE.

WASHINGTON, Feb. 19, 1855.

The messages were read.

*Ordered*, That the nominations of James H. Durst and Felix R. Lewis be referred to the Committee on Commerce.

*Ordered*, That the nominations of Alexander Piper and others for promotion in the Army of the United States be referred to the Committee on Military Affairs.

*Ordered*, That the nominations of Zachariah Walker and Samuel Drury be referred to the Committee on the District of Columbia.

On motion by Mr. Hamlin,

The Senate, by unanimous consent, proceeded to consider the nomination of John Appleton ; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Sebastian,

The Senate, by unanimous consent, proceeded to consider the nominations of Douglass H. Cooper and Samuel H. Montgomery ; and

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The articles of agreement and convention, made and concluded on the She-nah-nam, or Medicine Creek, in the Territory of Washington, this 26th day of December, in the year 1854, by Isaac J. Stephens, governor and superintendent of Indian affairs of the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Nisqually, Puyallup, Steilacoom, Squawksin, S'Homamish, Ste'h-chass, T'peek-sin, Squi-aith, and Sa-heh-wamish tribes and bands of Indians occupying the lands lying around the head of Puget's Sound and the adjacent inlets, who, for the purpose of this treaty, are to be regarded as one nation, on behalf of said tribes and bands and duly authorized by them, were read the first time ; and

*Ordered*, That the said articles, with the message and documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

The articles of an agreement entered into and concluded this 15th day of November, 1854, between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Rogue River tribe of Indians, on the part of said tribe, were read the first time ; and

*Ordered*, That the said articles, with the message and documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

The articles of agreement and convention made and concluded at Calopovia Creek, Douglas County, Oregon Territory, this 29th day of



November, 1854, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following-named chiefs and heads of the confederated bands of the Umpqua tribe of Indians and of the Calapoocas, residing in Umpqua Valley, to wit: Napesa, a Louis head chief, Peter or Injice, Tas-yah or General Jackson, Bogus, Nessick, Et-na-ma or William, Cheen-len-ten or George, Nas-yah or John, Absaquail or Chenook, Jo and Tom, they being assembled in council with their respective bands, were read the first time; and

*Ordered*, That the said articles, with the message and documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

The articles of convention and agreement made and concluded at the council ground opposite the mouth of Applegate Creek, or Rogue River, in the Territory of Oregon, on the 18th day of November, 1854, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Quil-si-eton and Na-hel-ta bands of the Chasta tribe of Indians, the Cownantico, Sa-cher-i-ton, and Na-al-ye bands of Scotons, and the Grave Creek band of Umpquas, to wit: Jestul-tut or Little Chief, Ko-ne-che-quot or Bill, Se-seb-che-til or Salmon Fished, Kul-ki-am-i-na or Bushhead, Te-po kon-ta or Sam and Jo, they being authorized thereto by said united bands, were read the first time; and

*Ordered*, That the said articles, with the message and documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

Mr. Stuart, from the Committee on Finance, to whom was referred, the 8th February, the nomination of Robert I. Atkinson, reported.

Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, the 8th instant, the nomination of Samuel S. Cox, reported.

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Stuart, from the Committee on Commerce, to whom were referred, the 14th instant, the nominations of Robert H. Swift and Oliver H. Perry, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Dodge of Iowa, from the Committee on Public Lands, to whom was referred, the 14th instant, the nomination of Peter T. Crutchfield, reported.

Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Shields, from the Committee on Military Affairs, to whom were referred, the 8th instant, the nominations of William P. Trowbridge, James B. McPherson, James W. Ripley, Alfred Mordecai, William R. Boggs, Charles F. Smith, Harvey A. Allen, Robert B. Thomas, Oliver D. Greene, William A. Nimmo, Stephen H. Weed, Joseph Updegraff, and Philip H. Sheridan, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the promotion of the said persons in the Army of the United States, agreeably to their nominations respectively.



Mr. Toucey, from the Committee on the Judiciary, to whom were referred, the 14th instant, the nominations of Hiram V. Willson, Hugh J. Jewett, and Hiram H. Robinson, reported.

TUESDAY, FEBRUARY 20, 1855.

The following message was received from the President of the United States, by Mr. Webster, his secretary :

*To the Senate of the United States :*

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and His Majesty the King of the Kingdom of the Two Sicilies, relatives to the rights of neutrals during war.

FRANKLIN PIERCE.

WASHINGTON, 14th February, 1855.

*To the Senate of the United States :*

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and His Majesty the King of the Netherlands, upon the subject of the admission of the United States consuls into the ports of the Dutch colonies.

FRANKLIN PIERCE.

WASHINGTON, 14th Feb'y, 1855.

The messages were read.

The convention between the United States of America and His Majesty the King of the Kingdom of the Two Sicilies, signed at Naples 13th January, 1855, was read the first time.

On motion by Mr. Mason,

*Ordered*, That the convention, with the message, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

The convention between the United States of America and His Majesty the King of Netherlands, done at The Hague, the 22d day of January, in the year of our Lord 1855, was read the first time.

On motion by Mr. Mason,

*Ordered*, That the convention, with the message, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

Mr. Sebastian submitted the following resolution; which was considered, by unanimous consent, and agreed to :

*Resolved*, That the President be requested to return to the Senate the resolution of the 19th instant, advising and consenting to the appointment of Samuel H. Montgomery to be agent for the Choctaw Indians.

Mr. Sabastian, from the Committee on Indian Affairs, to whom were referred, the 8th instant, the articles of agreement and convention with the Wyandot tribe of Indians, reported them without amendment.

The articles of agreement were read the second time and considered as in Committee of the Whole; and no amendment being made, they were reported to the Senate.

Mr. Sebastian submitted the following resolution for consideration:

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the city of Washington on the 31st day of January, 1855, by George W. Manypenny, as com-

missioner on the part of the United States, and the following chiefs and delegates of the Wyandott tribe of Indians, viz, Tau-roo-mee, Matthew, Mudeater, John Hicks, Silas Armstrong, George I. Clark, and Joel Walker, they being thereto duly authorized by said tribe.

The Senate, by unanimous consent, proceeded to consider the said resolution, and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

The Senate proceeded to consider the nominations of Hiram V. Willson, Hugh J. Jewett, and Hiram H. Robinson; and

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nomination, respectively.

### WEDNESDAY, FEBRUARY 28, 1855.

The following messages were received from the President of the United States, by Mr. Webster, his secretary:

*To the Senate of the United States:*

I nominate Frederick C. Humphreys, of Florida, to be a military storekeeper in the Ordnance Department of the Army of the United States, to fill a vacancy occasioned by the resignation of Military Storekeeper Richard J. R. Bee, and to date from January 30, 1855.

FRANKLIN PIERCE.

WASHINGTON, *January 30, 1855.*

*To the Senate of the United States:*

I nominate Nathaniel Bolton, of Indiana, to be consul of the United States at Geneva, in Switzerland.

FRANKLIN PIERCE.

WASHINGTON, *26th February, 1855.*

*To the Senate of the United States:*

I nominate the officers named in the accompanying list for regular promotion in the Army of the United States, as proposed by the Secretary of War.

FRANKLIN PIERCE.

WASHINGTON, *February 23, 1855.*

WAR DEPARTMENT, *February 23, 1855.*

SIR: I have the honor to submit the following list of officers for regular promotion in the Army of the United States:

#### *Ordnance Department.*

Captain Benjamin Heyer to be major, February 15, 1855, vice Harding, deceased.

Brevet Second Lieutenant Oliver O. Howard to be second lieutenant, February 15, 1855, the date of Captain Heyer's promotion.

I am, sir, with great respect, your ob't serv't,

JEFFER. DAVIS,

*Secretary of War.*

To the PRESIDENT OF THE UNITED STATES.



*To the Senate of the United States :*

For eminent services in the late war with Mexico, I nominate Major-General Winfield Scott, of the Army of the United States, to be Lieutenant-General by brevet in the same, to take rank as such from March 29, 1847, the day on which the United States forces, under his command, captured Vera Cruz and the Castle of San Juan de Ulua.

FRANKLIN PIERCE.

WASHINGTON, *February 28, 1855.*

The messages were read.

On motion by Mr. Shields.

The Senate, by unanimous consent, proceeded to consider the nomination of Frederick C. Humphreys, and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Shields,

The Senate, by unanimous consent, proceeded to consider the nominations of Benjamin Huger and Oliver O. Howard and

*Resolved*, That the Senate advise and consent to the promotion of the said persons in the Army of the United States, agreeably to their nominations respectively.

On motion by Mr. Pettit,

The Senate, by unanimous consent, proceeded to consider the nomination of Nathaniel Bolton; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Badger,

The Senate, by unanimous consent, proceeded to consider the nomination of Winfield Scott; and

*Resolved, unanimously*, That the Senate advise and consent to the appointment of Major-General Winfield Scott, of the Army of the United States, to be Lieutenant-General by brevet in the same, for eminent services in the late war with Mexico, to take rank as such from March 29th, 1847, the day on which the United States forces, under his command, captured Vera Cruz and the Castle of San Juan de Ulua, agreeably to the nomination.

Mr. Rusk, from the Committee on the Post-Office and Post-Roads, to whom were referred, on the 19th of January, the nomination of T. M. Comfort, and on the 8th instant that of John J. Hoffman, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Rusk, from the Committee on the Post-Office and Post-Roads, to whom was referred, the 8th instant, the nomination of Hugh M. Boyd, reported.

Mr. Stuart, from the Committee on Commerce, to whom were referred, the 19th instant, the nominations of James H. Durst and Felix R. Lewis, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Shields, from the Committee on Military Affairs, to whom were referred, the 19th instant, the nominations of Alexander Piper, John Edwards, jr., Edwin F. Townsend, Alfred B. Chapman, Frederick Steele, Thomas Wright, Alfred E. Latimer, Benjamin L. E. Bonneville, George Wright, Robert C. Buchanan, Maurice Maloney, Thomas R. McConnell,

Francis H. Bates, Robert Macfeely, Philip H. Sheridan, Elmer Otis, and William A. Webb, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the promotion of the said persons in the Army of the United States, agreeably to their nominations respectively.

Mr. Toucey, from the Committee on the Judiciary, to whom were referred, the 8th instant, the nominations of Joseph L. Haywood and Eli R. Doyle, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Dawson, from the Committee on the District of Columbia, to whom were referred, the 19th instant, the nominations of Zachariah Walker and Samuel Drury, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The President of the United States having, in compliance with the request contained in the resolution of the Senate of the 20th instant, returned to the Senate the resolution of the 19th instant advising and consenting to the appointments of Douglas H. Cooper and Samuel H. Montgomery,

On motion by Mr. Sebastian that the vote on agreeing to the said resolution of the 19th instant be reconsidered,

It was unanimously determined in the affirmative.

Mr. Sebastian, from the Committee on Indian Affairs, to whom were referred, the 14th instant, the articles of convention and agreement between the Choctaw and Chickasaw Indians, reported the following resolution:

*Resolved*, That the assent of the Senate be, and the same hereby is, given to the articles of convention and agreement between the Choctaw and Chickasaw tribe of Indians made on the 4th day of November, 1854, at Doaksville, near Fort Towson, Choctaw Nation.

The Senate, by unanimous consent, proceeded to consider the said resolution and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Sebastian, from the Committee on Indian Affairs, to whom was referred, the 19th January, the article of agreement and convention between the United States and confederate tribes of the Otoe and Missouri Indians, reported it without amendment.

The said article of agreement and convention was read the second time and considered as in the Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Sebastian submitted the following resolution for consideration:

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the article of agreement and convention, made and concluded at Nebraska City, in the Territory of Nebraska, on the ninth day of December, one thousand eight hundred and fifty-four, between the United States of America, by George Hepner, United States Indian agent, duly authorized thereto, and the chiefs and headmen of the confederate tribes of the Otoe and Missouri Indians, to be taken and considered as a supplement to the treaty made between the United States and said confederate tribes on the fifteenth day of March, one thousand eight hundred and fifty-four.



The Senate, by unanimous consent, proceeded to consider the said resolution and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, the 8th instant, the convention between the United States and the Republic of Mexico, concluded at the city of Mexico the 8th day of January, A. D. 1855, reported it without amendment.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, the 8th instant, the convention for the mutual extradition of fugitives from justice in certain cases, concluded between the Government of the United States on the one part and the Kingdom of Hanover on the other part, at London, the 18th day of January, A. D. 1855, reported it without amendment.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, the 20th instant, the convention between the United States of America and His Majesty the King of the Kingdom of the Two Sicilies, signed at Naples, January thirteenth, one thousand eight hundred and fifty-five, reported it without amendment.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, the 20th instant, the convention between the United States of America and His Majesty the King of the Netherlands, done at The Hague the twenty-second day of January, in the year of our Lord eighteen hundred and fifty-five, reported it without amendment.

On motion by Mr. Shields,

*Ordered*, That the injunction of secrecy be removed from the nomination of Brevet Lieutenant-General Winfield Scott and the proceedings of the Senate thereon.

Mr. Gwin, from the Committee on Naval Affairs, to whom were referred the 9th instant, sundry documents relating to the claim of Lieutenant Algernon S. Taylor to certain rank in the Marine Corps, submitted the following report; which was read, and ordered to be printed in confidence for the use of the Senate.

The Committee on Naval Affairs, to whom were referred the papers relating to the case of Lieutenant A. S. Taylor, of the Marine Corps, have had the same under consideration, and report:

That they find the following facts: That A. S. Taylor was, on August 1, 1838, appointed a second lieutenant of infantry in the Army of the United States; that on the 23d November following, by mutual agreement and under General Order No. 50 (hereto annexed), sanctioning the exchange, Second Lieutenant A. W. Allen, of the Marine Corps, was transferred to the infantry, taking the place of said Taylor; that Lieutenant Allen's appointment to the infantry under this exchange was at once confirmed, but that (for what cause the committee are unable to say) the nomination of Lieutenant Taylor as a lieutenant of Marines, was not sent to the Senate for confirmation until the 13th of February, 1839, nearly two months after the exchange as above related; that no nominations in the Marine Corps affecting the case of Lieutenant Taylor were sent to the Senate previous to the last date, but that, on that date, the name of Taylor was submitted to the Senate for confirmation as a second lieutenant in the Marine Corps, preceded, however, by the names of William B. Stack and John S. Devlin, who were also nominated as second lieutenants of the said corps; that said nominations were advised and consented to in the order above stated, thus placing Lieutenants Stack and Devlin precedent in rank to Lieutenant Taylor. Lieutenant Taylor claimed rank in the Marine Corps from the date of

the exchange with Lieutenant Allen (November 23, 1838) and his right thereto was admitted by the Department so far as it could do so; that is, he was allowed longevity rations from that time. (See letter of Second Comptroller, hereto appended, bearing date December 31, 1853.) But the Department could do no more; it could not reinstate him in the rank which he claimed.

Lieutenant Taylor thereupon appealed to the Executive, who, upon a full statement of the facts, convinced that he should hold rank from the date of his exchange with Lieutenant Allen, nominated him (on December 15, 1842) to the Senate as a second lieutenant of Marines, said nomination and appointment to take effect from the 23d November, 1838, the time of the transfer.

The Senate on 27th December following (not, it appears, being possessed of the full facts of the case) refused to advise and consent to the said nomination.

The committee cannot but conclude, upon these facts, that the request of Lieutenant Taylor is a just and reasonable one.

But the power to do does not lie with them. They will, however, support his nomination to the grade to which they think him entitled, should the President send it to the Senate.

#### SATURDAY, MARCH 3, 1855.

The following messages were received from the President of the United States, by Mr. Webster, his secretary:

*To the Senate of the United States:*

I nominate Henry Haw for reappointment to the office of justice of the peace for the county of Washington.

FRANKLIN PIERCE.

WASHINGTON, 27th February, 1855.

*To the Senate of the United States:*

I nominate Henry M. Rector, of Arkansas, to be surveyor-general of the United States for the district of Arkansas, vice George Milbourne, removed.

FRANKLIN PIERCE.

WASHINGTON February 28, 1855.

*To the Senate of the United States:*

I nominate David H. Burr, of the District of Columbia, to be surveyor-general of the United States for the Territory of Utah.

FRANKLIN PIERCE.

WASHINGTON, February 28, 1855.

*To the Senate of the United States:*

I nominate Harvey Morgan, of Illinois, to be register of the land office at Dixon, Illinois, vice Hugh Wallace, resigned.

FRANKLIN PIERCE.

WASHINGTON, February 28, 1855.

*To the Senate of the United States:*

I nominate Charles W. Dean, of Arkansas, to be superintendent of Indian affairs for the Southern Superintendency, vice Thomas S. Drew, removed.

FRANKLIN PIERCE.

WASHINGTON, February 28, 1855.



*To the Senate of the United States:*

I nominate William N. Jeffers, jr., now a master in the line of promotion, to be a lieutenant in the Navy, from the 20th of January, 1855, vice Lieutenant Charles G. Hunter, dismissed.

William D. Austin, now a master in the line of promotion, to be a lieutenant in the Navy, from the 6th of February, 1855, vice Lieutenant Robert E. Johnson, deceased.

FRANKLIN PIERCE.

WASHINGTON, *March 1, 1855.*

*To the Senate of the United States:*

I nominate Edward W. Ward to be surveyor and inspector of the revenue for the port of Jacksonville, in the State of North Carolina, from the 11th day of March, 1855, when his present commission will expire.

FRANKLIN PIERCE.

WASHINGTON, *March 1, 1855.*

*To the Senate of the United States :*

I nominate John C. O'Grady to be surveyor and inspector of the revenue for the port of Madisonville, in the State of Louisiana, his late commission having expired.

FRANKLIN PIERCE.

WASHINGTON, *March 1, 1855.*

*To the Senate of the United Staets :*

I nominate Jesse Thomas to be surveyor and inspector of the revenue for the port of Nashville, in the State of Tennessee, from the 11th day of March, 1855, when his present commission will expire.

FRANKLIN PIERCE.

WASHINGTON, *March 1st, 1855.*

*To the Senate of the United Staets :*

I nominate Albert H. Clark to be collector of the customs for the district and inspector for the revenue for the port of San Pedro, in the State of California, under the act approved August 3d, 1854.

FRANKLIN PIERCE.

WASHINGTON, *March —, —.*

*To the Senate of the United States:*

I nominate John A. Parker, of Virginia, to be register of the land office, in the Territory of Nebraska.

FRANKLIN PIERCE.

WASHINGTON, *March 1st, 1855.*

*To the Senate of the United Staets :*

I nominate Adison R. Gillmore, of Nebraska Territory, to be receiver of public moneys for the district of lands subject to sale in the Territory of Nebraska.

FRANKLIN PIERCE.

WASHINGTON, *March 1, 1855.*

*To the Senate of the United Staets :*

I nominate Ely Moore, of Kansas Territory, to be register of the land office in the Territory of Kansas.

FRANKLIN PIERCE.

WASHINGTON, *March 1st, 1855.*

*To the Senate of the United States :*

I nominate Thomas C. Shoemaker, of Kansas Territory, to be receiver of public moneys for the district of lands subject to sale in the Territory of Kansas.

FRANKLIN PIERCE.

WASHINGTON, *March 1st*, 1855.

*To the Senate of the United States :*

I nominate Benjamin F. Robinson, of Kansas Territory, to be agent for the Delaware Indians

FRANKLIN PIERCE.

WASHINGTON, *March 1st*, 1855.

*To the Senate of the United States :*

I nominate Robert Campbell, of Ohio, to be agent for the Kickapoo Indians.

FRANKLIN PIERCE.

WASHINGTON, *March 1st*, 1855.

*To the Senate of the United States :*

I nominate Robert C. Miller, of Kansas Territory, to be agent for the Shawnee and Wyandott Indians.

FRANKLIN PIERCE.

WASHINGTON, *March 1st*, 1855.

*To the Senate of the United States :*

I nominate John C. Montgomery, of Kansas Territory, to be agent for the Kansas tribe of Indians.

FRANKLIN PIERCE.

WASHINGTON, *March 1st*, 1855.

*To the Senate of the United States :*

I nominate John W. Whitfield, of Kansas Territory, to be agent for the Upper Arkansas Indians.

FRANKLIN PIERCE.

WASHINGTON, *March 1st*, 1855.

*To the Senate of the United States :*

I nominate Maxwell McCaslin, of Pennsylvania, to be Indian agent for the Osage River Agency, vice Ely Moore.

FRANKLIN PIERCE.

WASHINGTON, *March 1st*, 1855.

*To the Senate of the United States :*

I nominate Thomas S. Twiss, of Illinois, to be agent for the Indians of the Upper Platte Agency, vice John W. Whitfield.

FRANKLIN PIERCE.

WASHINGTON, *March 1st*, 1855.

*To the Senate of the United States :*

I nominate Edwin A. C. Hatch, of Minnesota Territory, to be Indian agent for the Blackfeet and other neighboring tribes.

FRANKLIN PIERCE.

WASHINGTON, *March 1st*, 1855.



*To the Senate of the United States:*

I nominate the officers named in the accompanying list for promotion and appointment in the Army of the United States, as proposed by the Secretary of War.

FRANKLIN PIERCE.

WASHINGTON, *March 2, 1855.*

WAR DEPARTMENT, *March 2, 1855.*

SIR: I have the honor to submit the following list of officers for regular promotion and for appointment in the Army of the United States:

#### I. REGULAR PROMOTIONS.

##### *Pay Department.*

Paymaster Eugene Van Ness to be deputy paymaster-general, February 1, 1855, vice Stewart, resigned, and Walker, passed over on account of physical disability.

##### *First Regiment of Dragoons.*

Second Lieutenant John W. Davidson to be captain, January 20, 1855, vice Stanton, killed in action.

Second Lieutenant Charles H. Ogle to be first lieutenant, January 20, 1855, vice Davidson, promoted.

Brevet Second Lieutenant Henry B. Davidson to be second lieutenant, January 20, 1855, vice Ogle, promoted.

##### *Second Regiment of Artillery.*

Second Lieutenant Albert J. S. Molinard to be first lieutenant, February 20, 1855, vice Rhett, resigned.

Brevet Second Lieutenant George A. Gordon, of the Third Regiment of Artillery, to be second lieutenant, February 20, 1855, vice Molinard, promoted.

#### II. APPOINTMENTS.

##### *Quartermaster's Department.*

First Lieutenant Parmenus T. Turnley, of the First Regiment of Infantry, to be assistant quartermaster with the rank of captain, vice Dana, resigned, to date from March 2, 1855.

##### *Pay Department*

Captain Franklin E. Hunt, of the Fourth Regiment of Artillery, to be paymaster, vice Van Ness, promoted, to date from March 2, 1855.

I am, sir, with great respect, your ob't serv't,

JEFFER. DAVIS,  
*Secretary of War.*

To the PRESIDENT OF THE UNITED STATES.

*To the Senate of the United States:*

I nominate Matthew Hall McAllister for appointment to the office of judge of the circuit court of the United States for California.

FRANKLIN PIERCE.

WASHINGTON, *March 2d, 1855.*

*To the Senate of the United States :*

I nominate James Arrott, of Pennsylvania, to be consul of the United States for the port of Dublin, in Ireland, in the place of Robert L. Loughhead, deceased.

FRANKLIN PIERCE.

WASHINGTON, 2 March, 1855.

*To the Senate of the United States :*

I nominate S. D. Mulloy, of Texas, to be consul of the United States at Monterey, in Mexico, in the place of William B. Glover, resigned.

FRANKLIN PIERCE.

WASHINGTON, March —, 1855.

*To the Senate of the United States :*

I nominate Addison C. Gibbs to be collector of the customs for the district of Cape Perpetua and inspector of the revenue for the port of Gardiner, in the Territory of Oregon, under the act approved March 2, 1855.

FRANKLIN PIERCE.

WASHINGTON, March 3, 1855.

*To the Senate of the United States :*

I nominate Robert W. Dunbar to be collector of the customs for the district and inspector of the revenue for the port of Port Orford, in the Territory of Oregon, under the act approved March 2d, 1855.

FRANKLIN PIERCE.

WASHINGTON, March 3, 1855.

*To the Senate of the United States :*

I nominate George Hyer, of Wisconsin, to be register, and Simeon Mills, of Wisconsin, to be receiver of public moneys, for the Fond du Lac district, in Wisconsin.

FRANKLIN PIERCE.

WASHINGTON, March 2d, 1855.

*To the Senate of the United States :*

I nominate Jesse Carter, of Florida, to be register of the land office, and Madison Post, of Florida, to be receiver of public moneys, at Tampa, Florida.

FRANKLIN PIERCE.

WASHINGTON, March 2, 1855.

*To the Senate of the United States :*

I nominate James D. Jenkins, of the State of Iowa, to be register, and Ariel K. Eaton, of same State, receiver of public moneys, for the Turkey River land district, in said State.

FRANKLIN PIERCE.

WASHINGTON, March 3, 1855.

*To the Senate of the United States :*

I nominate William H. Merritt, of the State of Iowa, to be register, and Verplank Van Antwerp, of same State, to be receiver of public moneys, for the Fort Dodge land district, in said State.

FRANKLIN PIERCE.

WASHINGTON, March 3, 1855.



*To the Senate of the United States:*

I nominate S. P. Yeomans, of Iowa, to be register, and John B. Lash, of Iowa, to be receiver of public moneys, for the Sioux River land district, in the State of Iowa.

FRANKLIN PIERCE.

WASHINGTON, *March 3, 1855.*

*To the Senate of the United States:*

19 I communicate to the Senate herewith, for its constitutional action thereon, a treaty made and concluded in this city on the 27th day of February, 1855, between George W. Manypenny, commissioner on the part of the United States, and the chiefs and delegates of the Winnebago tribe of Indians.

FRANKLIN PIERCE.

WASHINGTON, *February 28th, 1855.*

*To the Senate of the United States:*

20 I communicate to the Senate herewith, for its constitutional action thereon, a treaty made in this city on the 22d instant between the United States and the Mississippi, the Pillager, and the Lake Winnibigoshish bands, or Chippewa Indians.

FRANKLIN PIERCE.

WASHINGTON, *February 27, 1855.*

*To the Senate of the United States:*

21 I communicate to the Senate herewith, for its constitutional action thereon, the articles of a treaty negotiated on the 4th of January, 1855, between Joel Palmer, superintendent of Indian affairs in Oregon, and the chiefs of certain confederated tribes of Indians residing in the Willamette Valley of Oregon.

FRANKLIN PIERCE.

WASHINGTON, *March 2, 1855.*

The messages were read.

The Senate, by unanimous consent, proceeded to consider the nominations of Henry Haw, Henry M. Rector, David H. Burr, Harvey Morgan, Charles W. Dean, Edward W. Ward, John O. O'Grady, Jesse Thomas, John A. Parker, Adison R. Gillmore, Thomas C. Shoemaker, Benjamin F. Robinson, Robert Campbell, Robert C. Miller, John Montgomery, John W. Whitfield, Maxwell McCaslin, Thomas S. Twiss, Edwin A. C. Hatch, Matthew Hall McAllister, James Arrott, S. D. Mulloony, Addison C. Gibbs, Robert W. Dunbar, George Hyer, Simeon Mills, Jesse Carter, Madison Post, James D. Jenkins, Ariel K. Eaton, William H. Merritt, Verplank Van Antwerp, S. P. Yeomans, John B. Lash; and

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The Senate, by unanimous consent, proceeded to consider the nominations of William N. Jeffers, jr., and William D. Austin; and

*Resolved*, That the Senate advise and consent to the promotion of the said persons in the Navy of the United States, agreeably to their nominations respectively.

The Senate, by unanimous consent, proceeded to consider the nominations of Eugene Van-Ness, John W. Davidson, Charles H. Ogle, Henry B. Davidson, Albert J. S. Molinard, George A. Gordon, Parmenus T. Turnley, and Franklin E. Hunt; and

*Resolved*, That the Senate advise and consent to the promotion and appointment of the said persons in the Army of the United States, agreeably to their nominations respectively.

*Ordered*, That the nomination of Albert H. Clark be referred to the Committee on Commerce.

*Ordered*, That the nomination of Ely Moore be referred to the Committee on Public Lands.

The articles of agreement and convention, made and concluded at Washington City, on the twenty-seventh day of February, eighteen hundred and fifty-five, between George W. Manypenny, commissioner on the part of the United States, and the following-named chiefs and delegates, representing the Winnebago tribe of Indians, viz: Waw-kon-chaw-koo-kaw, the Coming Thunder, or Kin-noshik; Sho-go-nik-kaw, or Little Hill; Maw-he-coo-sha-naw-zhe-kaw, One that stands and reaches the skies, or Little Decorie; Waw-kon-chaw-hoo no-kaw, or Little Thunder; Hoonk-hoo-no-kaw, Little Chief, or Little Priest; Honch-Hutta-kaw, or Big Bear; Watch-ha-ta-kaw, or Big Canoe; Ha-zhum-kee-kaw, or One Horn; Ha-zee-kaw, or Yellow Bank; and Baptiste Lassalier, they being thereto duly authorized by said tribe, were read the first time.

On motion by Mr. Sebastian,

*Ordered*, That the said articles, together with the message and documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate. (19)

The articles of agreement and convention made and concluded at the city of Washington, this twenty-second day of February, one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner on the part of the United States, and the following named chiefs and delegates, representing the Mississippi bands of Chippewa Indians, viz: Pug-o-na-ke-shick, or Hole in the Day; Que-we-sans-ish, or Bad Boy; Wand-e-kaw, or Little Hill; I-awe-showe-we-ke-shig, or Crossing Sky; Petud-dunce, or Rat's Liver; Mun o-min-e kay-shein, or Rice Maker; Mah-yah-ge-way-we-durg, or the Chorister; Kay-gwa-daush, or the Attempter; Caw-caug-e-we-gwon, or Crow Feather; and Show-baush-king, or He that passes under everything, and the following named chiefs and delegates, representing the Pillager and Lake Winnibigoshish bands of Chippewa Indians, viz: Aish-ke-bug e-kosh, or Flat Mouth; Be-sheck-kee, or Buffalo; Nay-bun a-caush, or Young Man's Son; Mang-e-gaw-bow, or Stepping Ahead; Mi-gi-si, or Eagle; and Kaw-be-mub-bee, or North Star, they being thereto duly authorized by the said bands of Indians, respectively, were read the first time.

On motion by Mr. Sebastian,

*Ordered*, That the said articles, together with the message and documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate. (20)

The articles of agreement and convention made and concluded at Dayton, Oregon Territory, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following-named chiefs of the confederated bands of Indians residing in the Willamette Valley, they being duly authorized thereto by their respective bands, to wit: Ki-a-kuts, Le Medicin, and Yatskaw, or Dave, chiefs of the Tualatin band, or Calapooias; Shap-h, or William, Shel-ke-ab, or David, and Cha-ab, or Jesse, chiefs of the Yam Hill band; Dabo, or Jim, Scol-a-quit, or John, and Yah-kaw, or Kompetine, chiefs of the Che-luk-i-ma uke band; As-mo, or George, Himpher, or Hubbard, and Oh-no, or Tim, chiefs of the Chep-en-a-pho, or Marysville band; Ma-mah-mo, or Charley Peter, Cha-che clue, or Tom, and Quineflat, or Ben, chiefs



of the Chem-a-pho, or Maddy band; Luck-a-ma-foo, or Antoine, and Hoo-til, or Charley, chiefs of the Che-lam-e-la, or Long Tom band, all of the Calapooias; Qui-a-quaty, Yal-kus, and Kow-ka-ma, or Long Hair, chiefs of the Mo-lal-la band of Mo-lal-las; Kiles, or Jim, and Kow-ah-tough, or John, chiefs of the Calapooia band of Calapooias; Anta-quil-al-la, or John, and Mequah, of the Winnefelly and Mohawk bands; Yack-a-tee, or Sam, Tophor, or Jim Brown, and Hal-la-be, or Doctor, of the Tekopa band, Pulk-tah, of the Chafan band of the Calapoola tribe; Tum-walth and O-ban-a-hah, chiefs of the Wah-lal-la band of Tum-waters; Watch-a-no, Te-ap-i-nick, and Wal-lah-pi-cote, chiefs of the Clack-a-mas tribe; Lallah and Cack-a-man-na, or David, of the Clow-we-wal-la, or Willamette, Tum-water band; Tow-ye-col-la, or Louis; Yelk-ma, or Jo, La-ham, or Tom, Joseph Sanegertta, Pullican, Tena, or Kiles; Pul-kup-li-ma, or John; Sulluf, or Silas; Hoip-ke-nek, or Jack; Yepta and Satinrose, or James, chiefs and headmen of the Santiam bands of Calapooais, were read the first time.

On motion by Mr. Sebastian,

*Ordered*, That the said articles, together with the message and documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

The convention between the United States of America and His Majesty the King of the Kingdom of the Two Sicilies, signed at Naples 13th January, 1855, was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Slidell submitted the following resolution for consideration :

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the convention between the United States of America and His Majesty the King of the Kingdom of the Two Sicilies, signed at Naples 13th January, 1855.

The Senate, by unanimous consent, proceeded to consider the said resolution and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

The convention between the United States of America and His Majesty the King of the Netherlands, done at The Hague the 22d day of January, in the year of our Lord 1855, was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Slidell submitted the following resolution for consideration :

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the convention between the United States of America and His Majesty the King of the Netherlands, done at The Hague the 22d day of January, in the year of our Lord eighteen hundred and fifty-five.

The Senate, by unanimous consent, proceeded to consider the said resolution and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Mason submitted the following preamble and resolution for consideration :

Whereas by the fifth article of the general convention of friendship, commerce, and navigation between the United States of America and His Majesty the King of Denmark, concluded at Washington on the 26th day of April, eighteen hundred and twenty-six, it is provided that :

“Neither the vessels of the United States nor their cargoes shall,



when they pass the Sound or the Belts, pay higher or other duties than those which are or may be paid by the most favored nation"—

Which article has been construed into a concession on the part of the United States of the right on the part of the Government of Denmark to levy duties or tolls on such ships and cargoes, burdensome and oppressive to the commerce of the United States, in the Baltic Sea, and in derogation of common right to the free navigation of open seas.

And it being provided by the eleventh article of the said convention that after ten years from the date thereof either of the contracting parties should be at liberty to give notice to the other of its intention to terminate the same in the manner therein provided.

With a view, therefore, to relieve the commerce of the United States in the Baltic Sea from the duties or tolls aforesaid :

*Resolved*, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the Government of Denmark the notice required by the eleventh article of said general convention of the twenty-sixth day of April, eighteen hundred and twenty-six, for the termination of the same.

The Senate, by unanimous consent, proceeded to consider the said resolution, and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Thomson, of New Jersey, from the Committee on Naval Affairs, who were instructed by a resolution, the 19th January last, to investigate the case of Midshipman Stephen B. Luce, submitted the following report:

22

The Committee on Naval Affairs, to whom was referred the resolution of the Senate in executive session, on the 19th day of January, 1855, directing that the Committee on Naval Affairs be instructed to investigate the case of Midshipman Stephen B. Luce, who, upon the finding of a court of inquiry as to some irregularity of the cadets at the Annapolis Naval Academy, was degraded seventy-one members, equal in the line of promotion to ten years of his life, and that they recommend and report such relief, if any, as may be just and right, report :

That Stephen B. Luce entered the naval service of the United States in October, 1841, and that in April, 1848, he joined the Naval School at Annapolis. In March, 1849, the Secretary of the Navy (Mr. Mason) gave the midshipmen at that institution permission to attend in a body a ball in honor of the inauguration of General Taylor as President of the United States. But the officer in command of the establishment refused to let them do so. This refusal on his part caused great dissatisfaction, and led to some disorders among the midshipmen in the school, which were manifested on the sixth and seventh days of March by their firing a gun, blowing horns, and other disorderly conduct. These facts were communicated to the Navy Department, and a board of officers, which had been convened as a board of examiners, were directed, as a court of inquiry, to investigate the matter.

Upon this investigation, altogether *ex parte*, one witness testified that he saw Luce blow a horn, and also that he saw him take a powder-flask from his drawer, and this seems to have been the extent of the offense proved against him.

The court of inquiry having then concluded its investigation, commenced its duties as a board of examiners, and having determined, after examination, the merit and standing of Luce to be the fourth on a list of 27 candidates of the class of 1841, they inflict, by order the



Secretary of the Navy, a punishment, for the offense above stated, of a degradation of rank from number 4 on the list to number 25.

His valuations, as ascertained by the board, amounted to  $101\frac{64}{100}$ , a very high number. But these were modified, by the demerits of the acts before referred to, to  $38\frac{60}{100}$ , and the effect of this modification has been to reduce him in standing on the list of the Navy of passed midshipmen from number 187 to number 258 of the register of 1850, being a degradation of 71 numbers, equivalent to about ten years in the way of promotion to a higher grade in the service.

This punishment, inflicted by the board of examiners, without a trial by a court-martial, and without an opportunity to the accused to confront his accusers and to cross-examine the witnesses who were examined on the trial, appears to the committee to be a flagrant violation of the principles of justice as administered in every other department of the Government.

And not only is punishment without trial, in the opinion of the committee, improper, but the gravest objections lie against the mode of punishment adopted in this case. It is highly injurious to the service, since it makes *inferiority* take the place of *superiority*. It reduces an individual of higher attainments and better qualifications as an officer below those in rank and command who are declared not possessed of the same or equal qualifications, and, as in the present case, postpones promotion to a higher rank, in which his valuable qualities might be of the greatest service to his country, for a period of little, if any, short of ten years.

In the present case the officers of the Academy, Commander Upshur and Professors Lockwood and Chauvenet, bear strong testimony to the general good character and high standing of Mr. Luce as an officer and a gentleman.

Commander Upshur, who had charge of the school when the disturbances occurred, and might naturally be supposed to be sensitive in a matter involving a breach of discipline at that institution, says "that while Mr. Luce was at the school he had considerable intercourse with him, both social and official; frequently met him in the best private circles; his deportment was uniformly correct and gentlemanly; that his official conduct was generally very correct and officer-like. I know he was intelligent, attentive to his studies, progressed well, and stood high in his class.

"It is highly probable that he sometimes offended, like many others, but I think if any of his acts had been of a grave or serious character they would have been impressed on my memory. I remember none such, however, except that for which he was tried." Speaking of that, he adds: "Mr. Luce was among the last in the school that I should have suspected of being in any manner concerned. When informed that he was seriously implicated, I at once pronounced it impossible and the charge a slanderous one" (the conviction of Captain Upshur that the charge was slanderous was, according to the statement of a witness, well founded) "preferred by a secret enemy, but I never could trace it; his previous good conduct I thought fully warranted me in that assertion. To what extent or how deeply he was involved I could not ascertain then, do not know, and never did know."

Mr. Lockwood, then and now one of the professors at the Naval School, says "that after mature reflection he is fully persuaded the case of Mr. Luce is one of peculiar hardship, and calls for the exercise of Executive clemency; that during his stay here at the school he was known to us as a good scholar and an extremely correct officer, and we



were all greatly surprised to find him implicated in the affair," and "that he hopes there will be no difficulty in restoring him to that position on the list which he nobly won as a scholar and an officer, but unfortunately lost by his first error."

Mr. Chauvenet, another professor at the school, takes pleasure in stating that "while Mr. Luce was in this institution he was distinguished as well for his scholarship as for the uniform correctness of his deportment, with the exception of the solitary offense for which he has been made to suffer by loss of rank. Regarding that as one of those indiscretions into which a young man may be betrayed in an unguarded moment, I have never ceased to entertain the highest respect for him as an officer and a gentleman."

The rules for the government of the Academy in the discretionary power given to the examiners to modify valuations—that is, ascertainment of rank by examinations—evidently contemplate a reference to the general character and standing of the scholars rather than a power to inflict a severe and summary punishment for a single offense, in regard to which they constitute themselves the exclusive judges. And such was the view of their duties taken at the time by the board of examiners, but the Secretary of the Navy interfered and directed them to "modify his standing by the finding of the court of inquiry in relation to the late disorders at the school"; thus making a new rule, operating retrospectively, by which Luce was reduced in rank from number 4 on the list to number 25, as before stated.

At the Military Academy at West Point penalties are not enforced against cadets upon the report of a court of inquiry. They are allowed trial by court-martial in like manner as commissioned officers.

There has been one instance, of late years, when the War Department, Mr. Crawford being Secretary, did, upon the finding of a court of inquiry, order that certain cadets should suffer loss of rank in the Army; but the Senate refused to consent, by a resolution introduced by the honorable Jefferson Davis, which puts their refusal, not on the facts of the particular case, but upon the general principle it involved, and the order of the Department was revoked; and the rule and practice of the Department now is, not to direct penalties upon the proceedings of a court of inquiry.

The only offense charged, in a long period of service, against Midshipman Luce appears to be the one already referred to; and this is set off by an uninterrupted course of good conduct during the whole term of his service in the Navy.

His scholarship and professional attainments are certified by the officers and professors before referred to, and his character and standing as an officer and gentleman by the testimony, on file and before the committee, of the first lieutenant of the frigate Congress, in which he sailed on his first cruise; of Lieutenant Jenkins, of the same ship; and of Lieutenant Porter, now in command of the steamship Georgia; and of the late Captain Wyman, of the ship Columbus; and of Lieutenant French, of the same vessel.

The committee cannot and do not justify his participation in the disorders of the 6th and 7th of March; but, at the same time, the offense committed was not of so aggravated a character as to deserve so severe a punishment as that inflicted, and may be referred more to youthful indiscretion than to any insubordinate disposition on the part of those who engaged in it, or any hostility to the officers of the institution.

The committee are not aware of any mode by which relief can be afforded by the Senate in such a case; but they cannot forbear to ex-



press the opinion that the application of a rule, *ex post facto*, by the Secretary of the Navy to this case, is unjust, if not unlawful; that the officer, before punishment, was entitled to a fair and open trial by a court-martial; that it is injurious to the service and cruel to the officer to be degraded in his rank; and, also, that the severity of the sentence was greatly disproportioned to the offense committed.

The committee, therefore, ask to be discharged from the further consideration of the subject, and that this report may be transmitted to the President of the United States, for such action as he may deem proper, with a view to the restoration of Mr. Luce to the number on the list of the Navy to which he would be entitled without the deductions made from his valuations hereinbefore referred to.

The report was read; and in concurrence therewith,

*Ordered*, That the committee be discharged from the further consideration of the subject, and that the report be printed in confidence for the use of the Senate.

On motion by Mr. Gwin,

*Ordered*, That the injunction of secrecy be removed from the report of the Committee on Naval Affairs of this day, and the proceedings thereon on the claim of Midshipman Stephen B. Luce and the documents relating to his rank, and that the same be referred to the Secretary of the Navy.

On motion by Mr. Gwin,

*Ordered*, That the injunction of secrecy be removed from the report of the Committee on Naval Affairs of the 28th of February on the claim of Lieutenant Algernon S. Taylor, of the Marine Corps, and the documents relating to his rank, and that the same be referred to the Secretary of the Navy.

Mr. Stuart, from the Committee on Public Lands, to whom was this day referred the nomination of Ely Moore, reported.

Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

On motion by Mr. Rusk,

The Senate proceeded to consider the nomination of Hugh M. Boyd; and,

On motion by Mr. Toombs that it lie on the table,

It was determined in the negative, { Yeas ..... 20  
Nays ..... 24

On motion by Mr. Pettit,

The yeas and nays being desired by one fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Adams, Badger, Bell, Benjamin, Brainerd, Clayton, Cooper, Dawson, Foot, Geyer, Gillette, James, Jones of Tennessee, Morton, Pratt, Thompson of Kentucky, Thomson of N. Jersey, Toombs, Wade, Wilson.

Those who voted in the negative are,

Messrs. Allen, Bayard, Bright, Brown, Cass, Evans, Gwin, Houston, Hunter, Johnson, Jones of Iowa, Mallory, Mason, Pettit, Rusk, Sebastian, Seward, Slidell, Stuart, Sumner, Toucey, Weller, Wells, Wright.

So the motion was not agreed to.

On motion by Mr. Rusk,

*Resolved*, That the Senate advise and consent to the appointment of Hugh M. Boyd, agreeably to the nomination.

The compact between the United States of America and the Royal Government of Lew Chew, entered into at Napa on the 11th of July,

1854, was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Mason submitted the following resolution for consideration:

*Resolved (two-thirds of the Senators present concurring),* That the Senate advise and consent to the ratification of the compact between the United States of America and the Royal Government of Lew Chew, entered into at Napa on the 11th of July, 1854.

The Senate, by unanimous consent, proceeded to consider the said resolution, and unanimously agreed thereto.

*Ordered,* That the Secretary lay the said resolution before the President of the United States.

The convention between the United States of America and His Highness the Duke of Brunswick and Luneburg, concluded at Washington the 21st day of August, 1854, was read the second time, and considered as in Committee of the Whole; and the reported amendment having been unanimously agreed to, and no further amendment being made, the convention was reported to the Senate and the amendment was unanimously concurred in.

Mr. Mason submitted the following resolution for consideration:

*Resolved (two-thirds of the Senators present concurring),* That the Senate advise and consent to the ratification of the convention between the United States of America and His Highness the Duke of Brunswick and Luneburg, concluded at Washington the 21st day of August, 1854, with the following amendment, viz:

Article 1, line 5, after the word "other," insert the following: *subject to the laws of the State or country where the domicil is or the property is found.*

The Senate proceeded, by unanimous consent, to consider the said resolution, and agreed thereto.

*Ordered,* That the Secretary lay the said resolution before the President of the United States.

The convention between the United States of America and the Republic of Mexico, concluded at the city of Mexico the 8th day of January, 1855, was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Mason submitted the following resolution for consideration:

*Resolved (two-thirds of the Senators present concurring),* That the Senate advise and consent to the ratification of the convention between the United States of America and the Republic of Mexico, concluded at the city of Mexico the 8th day of January, A. D. 1855.

The Senate, by unanimous consent, proceeded to consider the said resolution, and unanimously agreed thereto.

*Ordered,* That the Secretary lay the said resolution before the President of the United States.

The convention for the mutual extradition of fugitives from justice in certain cases, concluded between the Government of the United States on the one part and the Kingdom of Hanover on the other part, at London, the 18th day of January, A. D. 1855, was read the second time, and considered as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Mr. Mason submitted the following resolution for consideration:

*Resolved (two-thirds of the Senators present concurring),* That the Senate advise and consent to the ratification of the convention for the mutual extradition of fugitives from justice in certain cases, concluded between the Government of the United States on the one part and the



Kingdom of Hanover on the other part, at London, the 18th of January, A. D. 1855.

The Senate, by unanimous consent, proceeded to consider the said resolution, and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Sebastian, from the Committee on Indian Affairs, to whom was referred, the 19th February, the articles of agreement and convention made and concluded on the She-nah-nam, or Medicine Creek, in the Territory of Washington, the 26th day of December, in the year 1854, between the United States and the Nisqually and other Indians, reported them without amendment.

The said articles were read the second time and considered as in Committee of the Whole; and no amendment being made, they were reported to the Senate.

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded on the She-nah-nam, or Medicine Creek, in the Territory of Washington, this twenty-sixth day of December, in the year one thousand eight hundred and fifty-four, by Isaac I. Stevens, governor and superintendent of Indian affairs of the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Nisqually, Puyallup, Steilacoom, Squawksin, S'Homamish, Steh-chass, T'Peck-sin, Squi-aill, and Sa-heh-wamish tribes and bands of Indians, occupying the lands lying around the head of Puget's Sound and the adjacent inlets, who, for the purposes of this treaty, are to be regarded as one nation, on behalf of said tribes and bands, and duly authorized by them.

The Senate, by unanimous consent, proceeded to consider the said resolution and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Sebastian, from the Committee on Indian Affairs, to whom were referred, the 19th of February, the articles of an agreement entered into and concluded this fifteenth day of November, 1854, between the United States and Rogue River tribe of Indians, reported them without amendment.

The said articles were read the second time and considered as in Committee of the Whole; and no amendment being made, they were reported to the Senate.

Mr. Sebastian submitted the following resolution for consideration :

*Resolved, (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of articles of an agreement entered into and concluded this fifteenth day of November, one thousand eight hundred and fifty-four, between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Rogue River tribe of Indians on the part of said tribe.

The Senate, by unanimous consent, proceeded to consider the said resolution, and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Sebastian, from the Committee on Indian Affairs, to whom was referred, the 19th January, the articles of a convention and agreement made and concluded at the council ground, opposite the mouth of Apple-gate Creek, on Rogue River, in the Territory of Oregon, on the 18th day of November, 1854, by Joel Palmer, superintendent of Indian affairs,

on the part of the United States, and the chiefs and headmen of the Quil-si-ston and Na-hel-ta bands of the Chasta tribe of Indians; the Cow-nan-ti-co, Sa-cher-i-ton, and Na-al-ye bands of Scotons, and the Grave Creek band of Umpquas, to wit: Jes-tul-tut, or Little Chief, Kone-che-quot, or Bill, Se-sel-che-tel, or Salmon Fisher, Kul-ki-am i-na, or Bush-head, Te-po-ken-ta, or Sam, or Jo, they being duly authorized thereto by said united bands.

The Senate, by unanimous consent, proceeded to consider the said resolution, and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Sebastian, from the Committee on Indian Affairs, to whom were referred, the 19th February, the articles of agreement and convention made and concluded at Calapooia Creek, Douglas County, Oregon Territory, this 29th day of November, 1854, between the United States and the Umpqua tribe and the Calapooias residing in the Umpqua Valley, reported them without amendment.

The said articles were read the second time and considered as in Committee of the Whole; and no amendment being made, they were reported to the Senate.

Mr. Sebastian submitted the following resolution for consideration:

*Resolved (two-thirds of Senators present concurring)*, That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at Calapooia Creek, Douglas County, Oregon Territory, this 29th day of November, 1854, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following-named chiefs and heads of the confederated bands of the Umpqua tribe of Indians and of the Calapooias residing in Umpqua Valley, to wit: Napesa, or Louis, head chief; Peter, or Injice; Taoyah, or General Jackson; Bogus, Nessick, Et-na-ma, or William; Cheen-lenten, or George; Nas-yah, or John; Absaquils, or Chenook; Joe and Tom, they being assembled in council with their respective bands.

The Senate, by unanimous consent, proceeded to consider the said resolution, and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

The following messages were received from the President of the United States, by Mr. Webster, his secretary:

*To the Senate of the United States:*

I nominate the following-named persons for appointment in the two regiments of cavalry and two regiments of infantry authorized to be added to the Army of the United States by the act approved March 3, 1855, viz :

FOR THE TWO ADDITIONAL CAVALRY REGIMENTS.

*To be colonels.*

Brevet Col. E. V. Sumner, lieut. col. 1st Dragoons.  
Major Albert S. Johnston, major, Pay Department.

*To be lieutenant-colonels.*

Bvt. Col. R. E. Lee, captain Engineers.  
Bvt. Lt. Col. J. E. Johnston, captain Topog'l Engineers.



*To be majors.*

Bvt. Lt. Col. W. J. Hardee, captain 2nd Dragoons.  
Bvt. Lt. Col. Braxton Bragg, captain 3d Artillery.  
Bvt. Major W. H. Emory, captain Topog'l Engineers.  
Ben McCullough, Texas.

## FOR THE TWO ADDITIONAL INFANTRY REGIMENTS.

*To be colonels.*

Bvt. Col. George Wright, lt. col. 4th infantry.  
Bvt. Lt. Col. Edmund B. Alexander, major 8th Infantry.

*To be lieutenant-colonels.*

Bvt. Col. Charles F. Smith, major 1st Artillery.  
Bvt. Lt. Col. Silas Casey, captain 2nd Infantry.

*To be majors.*

Bvt. Lt. Col. W. H. T. Walker, captain 6th Infantry.  
Bvt. Lt. Col. Edward I. Steptoe, captain 3d Artillery.  
Bvt. Lt. Col. E. R. S. Canby, captain, Adj't Gen. Dep't.  
Capt. H. W. Benham, captain Engineers.

FRANKLIN PIERCE.

WASHINGTON, *March 3d*, 1855.*To the Senate of the United States:*

I nominate Josiah Minot, of New Hampshire, to be Fifth Auditor of the Treasury of the United States, in the place of Stephen Pleasonton, deceased.

FRANKLIN PIERCE.

WASHINGTON, *March 3d*, 1855.*To the Senate of the United States:*

I nominate John I. Gilchrist, of New Hamp'e, Joseph H. Lampkin, of Georgia, and Isaac Blackford, of Indiana, for appointment to the offices of judges of the Court of Claims.

FRANKLIN PIERCE.

WASHINGTON, *3d March*, 1855.*To the Senate of the United States:*

I nominate Montgomery Blair, of the District of Columbia, for appointment to the office of solicitor for the United States to represent the Government before the Court of Claims.

FRANKLIN PIERCE.

WASHINGTON, *3d March*, 1855.*To the Senate of the United States:*

I nominate G. G. Cushman, of Maine, to be commissioner under the reciprocity treaty between the United States and Her Britannic Majesty, concluded 5th June, 1854.

FRANKLIN PIERCE.

WASHINGTON, *March —*, 1855.

*To the Senate of the United States:*

I nominate Robert Ould and William B. B. Cross, both of the District of Columbia, for appointment to revise and codify the laws of the said District.

FRANKLIN PIERCE.

WASHINGTON, *March 3d*, 1855.

*To the Senate of the United States:*

I nominate Samuel H. Treat for judge of the district court of the United States for the southern district of Illinois.

W. Joshua Allen for district attorney of the United States for said district.

Archimedes C. Dickson for marshal of the United States for said district.

FRANKLIN PIERCE.

WASHINGTON, *March 3d*, 1855.

*To the Senate of the United States:*

I nominate William R. Woodward for reappointment to the office of justice of the peace for the county of Washington, in the District of Columbia.

FRANKLIN PIERCE.

WASHINGTON, *3d March*, 1855.

*To the Senate of the United States:*

I nominate for appointment to the office of justice of the peace for the county of Washington, in the District of Columbia, Daniel Smith.

FRANKLIN PIERCE.

WASHINGTON, *3d March*, 1855.

*To the Senate of the United States:*

I nominate John S. Hollingshead for appointment to the office of justice of the peace for the county of Washington, in the District of Columbia.

FRANKLIN PIERCE.

WASHINGTON, *3d March*, 1855.

*To the Senate of the United States:*

I nominate Charles P. Wannall for appointment to office of justice of the peace for the county of Washington, in the District of Columbia.

FRANKLIN PIERCE.

WASHINGTON, *3d March*, 1855.

*To the Senate of the United States:*

I nominate Henry C. Miller deputy postmaster at Hudson, in the State of New York, in the place of J. S. Anable, removed.

FRANKLIN PIERCE.

MARCH 3, 1855.

*To the Senate of the United States:*

I nominate Norman Eddy for appointment to the office of attorney of the United States for the Territory of Minnesota, in place of John E. Warren, removed.

FRANKLIN PIERCE.

WASHINGTON, *3d March*, 1855.



*To the Senate of the United States :*

I nominate John R. Brodhead, of New York, to be consul-general to reside at Simoda, in Japan.

FRANKLIN PIERCE.

WASHINGTON, *March 3d*, 1855.

*To the Senate of the United States :*

I nominate Israel D. Andrews, of Maine, to be consul-general to reside in the British North American Provinces.

FRANKLIN PIERCE.

WASHINGTON, *March 3d*, 1855.

*To the Senate of the United States :*

I nominate A. V. Colvin, of Florida, to be consul of the United States for the port of Demerara, in British Guiana, in the place of C. W. Denison, resigned.

FRANKLIN PIERCE.

WASHINGTON, *March —*, 1855.

*To the Senate of the United States :*

I nominate Henry W. De Puy, of New York, to be consul of the United States at Carlsruhe, in the Duchy of Baden, in Germany.

FRANKLIN PIERCE.

WASHINGTON, *3d March*, 1855.

*To the Senate of the United States :*

I nominate N. A. Haven, of New York, to be consul of the United States for St. Iago, in the Cape Verd Islands, in the place of John Z. Forney, resigned.

FRANKLIN PIERCE.

WASHINGTON, *March —*, 1855.

*To the Senate of the United States :*

The nomination of Albert H. Clark, to the Senate, to be collector of the customs for the district and inspector for the revenue for the port of San Pedro, in the State of California, under the act approved August 3, 1854, is hereby withdrawn, and Isaac Williams nominated to be collector and inspector as aforesaid.

FRANKLIN PIERCE.

WASHINGTON, *March 3*, 1855.

*To the Senate of the United States :*

I nominate John E. Johnson, to be surveyor and inspector of the revenue for the port of Bayport, in the State of Florida, under the act approved August 3d, 1854.

FRANKLIN PIERCE.

WASHINGTON, *March 3d*, 1855.

I nominate Richard I. Hamilton, to be register of the land office at Chicago, Illinois, in the place of James Long, removed.

FRANKLIN PIERCE.

WASHINGTON, *March 3*, 1855.

*To the Senate of the United States :*

I nominate Lafayette Mosher, of Oregon, to be register of the land office at Winchester, in the Umpqua land district of Oregon; and

George W. Lawson, of Oregon, to be receiver of public moneys, at the land office aforesaid.

FRANKLIN PIERCE.

WASHINGTON, *March 3, 1855.*

*To the Senate of the United States :*

I nominate James R. Vineyard, of Sacramento City, to be Indian agent for the State of California.

FRANKLIN PIERCE.

WASHINGTON, *March 3, 1855.*

*To the Senate of the United States :*

I nominate Blanton McAlpin to be Indian agent for the State of California.

FRANKLIN PIERCE.

WASHINGTON, *March 3d, 1855.*

*To the Senate of the United States :*

I nominate Edward A. Stevenson to be Indian agent for the State of California.

WASHINGTON, *March 3d, 1855.*

The messages were read.

The Senate, by unanimous consent, proceeded to consider the nominations of E. V. Sumner, Albert S. Johnston, R. E. Lee, J. E. Johnston, W. I. Hardee, Braxton Bragg, W. H. Emory, Ben McCullough, George Wright, Edmund B. Alexander, Charles F. Smith, Silas Casey, W. H. T. Walker, Edward I. Steptoe, E. R. S. Canby, H. W. Benham, Josiah Minon, G. G. Cushman, Robert Ould, William B. B. Cross, Samuel H. Treat, W. Joshua Allen, Archimedes C. Dickson, William R. Woodward, Daniel Smith, John S. Hollingshead, Charles P. Wannall, Henry O. Miller, Norman Eddy, John H. Brodhead, Israel D. Andrews, A. V. Henry W. DePuy, N. A. Haven, Isaac Williams, John E. Johnson, Richard I. Hamilton, Lafayette Mosher, and George W. Lawson; and

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

*Ordered*, That the nominations of John I. Gilchrist, Joseph H. Lumpkin, Isaac Blackford, and Montgomery Blair be referred to the Committee on the Judiciary.

*Ordered*, That the nominations of James R. Vineyard, Blanton McAlpin, and Edward A. Stevenson be referred to the Committee on Indian Affairs.

Mr. Sebastian, from the Committee on Indian Affairs, to whom were this day referred the articles of agreement and convention with the Winnebago tribe of Indians, reported them without amendment.

The said articles were read the second time, and considered as in Committee of the Whole; and no amendment being made, they were reported to the Senate.

Mr. Sebastian submitted the following resolution for consideration :

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at Washington City on the twen-



ty-seventh day of February, eighteen hundred and fifty-five, between George W. Manypenny, commissioner on the part of the United States, and the following named chiefs and delegates, representing the Winnebago tribe of Indians, viz: Wawkow-chaw-koo-kaw, the coming thunder or kin-oshik; Sho-go-nik-kaw, or Little Hill; Maw-he-coo-sha-naw-zhe-kaw, one that stands and reaches the skies, or Little Decorie; Wawkon chaw-hoo-no-kaw, or Little Thunder; Hoonk-hoo-no-kaw, Little Chief or Little Priest; Honch-hutta-kaw, or Big Bear; Watch-ha-ta-kaw, or Big Canoe; Ha-zhum-kee-kaw, or One Horn; Hazee-kaw, or Yellow Bank, and Baptiste Lassalier, they being thereto duly authorized by said tribe.

The Senate, by unanimous consent, proceeded to consider the said resolution and unanimously agreed thereto.

*Ordered*, That the secretary lay the said resolution before the President of the United States.

Mr. Sebastian from the Committee on Indian Affairs, to whom were this day referred the articles of agreement and convention with the Chippewa Indians, reported them without amendment.

The said articles were read the second time and considered as in Committee of the Whole; and no amendment being made, they were reported to the Senate.

Mr. Sebastian submitted the following resolution for consideration:

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the city of Washington this twenty-second day of February, one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner on the part of the United States, and the following named chiefs and delegates, representing the Mississippi bands of Indians, viz: Pug-o-na-ke-shick, or Hole in the Day; Que-we-sans-ish, or Bad Boy; Wand-e-kaw, or Little Hill; I-aweshowe-we-ke-shig, or Crossing Sky; Petud-dunce, or Rat's Liver; Mun-o-min-e-hay-shein, or Ricemaker; Mah-yah-ge-way-we-durg, or the Chorister; Kay-gwa-dansh, or The Attempter; Caw-cang-e-we-gwon, or Crow Feather; and Show-baush-king, or He that passes under everything, and the following named chiefs and delegates, representing the Pillager and Lake Winnibigoshish bands of Chippewa Indians, viz: Aish-he-bug e-kosh, or Flat Mouth; Be-sheck-kee, or Buffalo; Nay-bun-a-caush, or Young Man's Son; Many-e-yaw-baw, or Stepping Ahead; Mi-gi-si, or Eagle, and Kaw-be-mub-bee, or North Star, they being thereby duly authorized by the said bands of Indians, respectively.

The Senate, by unanimous consent, proceeded to consider the said resolution and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Sebastian, from the Committee on Indian Affairs, to whom were this day referred the articles of agreement and convention with the confederate bands of Indians residing in Willamette Valley, reported them without amendment.

The said articles were read the second time and considered as in Committee of the Whole; and no amendment being made, they were reported to the Senate.

Mr. Sebastian submitted the following resolution for consideration:

*Resolved (two thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at Dayton, Oregon Territory, by Joel Palmer, superintendent of Indian affairs, on the part of the United

States, and the following named chiefs of the confederated bands of Indians residing in the Willamette Valley, they being duly authorized thereto by their respective bands, to wit: K-a-kuts, Le Medicin, and Yatskaw, or Dave, chiefs of the Tualatin band of Calapooias; Shap-h, or William, Shel-ke-ah, or David, and Cha-ah, or Jesse, chiefs of the Yam Hill band; Dabo, or Jim, Sco-la-quit, or John, and Yah-kow, or Kompetine, chiefs of the Che-luk-i-ma-uke band; Ah-mo, or George Himpher or Hubbard, and Oh-no, or Tim, chiefs of the Chep-en-a-pho or Marysville band, Ma-mah-mo, or Charley Peter, Cha-che-clue, or Tom, and Quine-flat, or Ben, chiefs of the Chem-a-pho or Muddy band; Luck-a-ma-foo, or Antoine, and Hoo-til, or Charley, chiefs of the Che-lam-e-la, or Long Tom band, all of the Calapooias; Qui-a-quaty, Yal-kus, and Kow-ka-ma, or Lang-hair, chiefs of the Mo-lal-la band of Mo-lal-las; Kiles, or Jim, and Kow-ah-tough, or John, chiefs of the Calapooia band of Calapooias; Anta-quil-al-la or John, and Mequah, of the Winnefelly and Mohawk bands; Yack-a-tee, or Sam, To-phor, or Jim Brown, and Hal-la-be, or Doctor, of the Tekop band; Pulk-tah, of the Chafan band of the Calapooia tribe; Tum Walth, and O-ban-a-hah, chiefs of the Wah-lal-la band of Tum-waters; Watch-a-no, Te-ap-i-nick, and Wal-lah-pi-cote, chiefs of the Clack-a-mas tribe; Lallak, and Cuck-a-man-na, or David, of the Clow-we-wal-la or Willamette Tum-water band; Tow-ye-col-la or Louis, Yelk-ma or Jo, La-ham or Tom, Joseph Sanegertta, Pullican, Te-na, or Kiles, Pul-kup-li-ma, or John, Sallaf, or Silas, Hoip-ke nek, or Jack, Yepta, and Sat-invose, or James, chiefs and head men of the Santiam bands of Calapooias.

The Senate, by unanimous consent, proceeded to consider the said resolution and unanimously agreed thereto.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Toombs, from the Committee on the Judiciary, to whom were referred this day the nominations of John I. Gilchrist, Joseph H. Lumpkin, and Isaac Blackford, reported.

The Senate, by unanimous consent, proceeded to consider the said nominations; and

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Toombs, from the Committee on the Judiciary, to whom was this day referred the nomination of Montgomery Blair, reported.

The Senate, by unanimous consent, proceeded to consider the said nomination; and

On the question, Will the Senate advise and consent to the appointment of Montgomery Blair?

It was determined in the affirmative, {	Yeas .....	37
	Nays .....	2

On motion by Mr. Mason,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Adams, Badger, Bell, Benjamin, Bright, Brodhead, Brown, Chase, Cooper, Dawson, Douglas, Foot, Gillette, Houston, James, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Morton, Pettit, Rusk, Sebastian, Seward, Slidell, Stuart, Sumner, Thompson of Ky., Thomson of N. J., Toombs, Toucey, Wade, Walker, Weller, Wells, Wilson, Wright.

Those who voted in the negative are,

Mr. Butler and Mr. Mason.



So it was

*Resolved*, That the Senate advise and consent to the appointment of Montgomery Blair, agreeably to the nomination.

Mr. Sebastian, from the Committee on Indian Affairs, to whom were this day referred the nominations of James R. Vineyard, Blanton McAlpin, and Edward A. Stevenson, reported.

On motion by Mr. Weller,

The Senate, by unanimous consent, proceeded to consider the nomination of James R. Vineyard; and

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Adams submitted the following resolution; which was considered, by unanimous consent, and unanimously agreed to:

*Resolved, unanimously*, That an expression of the high appreciation of Senators and the Senate is tendered to the honorable George E. Badger on this the eve of his departure from among us, for his uniform courtesy, ability, liberality, and valuable services during his long and distinguished career in this body, and that we deeply regret the severance of the official and personal ties which have hitherto existed between us.

On motion by Mr. Mason,

*Ordered*, That the message of the President of the United States, dated 26th July, 1854, and accompanying documents, relating to Cuba and the slave trade, be referred to the Committee on Foreign Relations, with instructions to report to the Senate such parts thereof as they may advise should be printed.

Whereupon

Mr. Mason from the Committee on Foreign Relations, reported that the committee having made a selection of such of said documents as might, in their opinion, be printed and published without detriment to the public interest, he now reported the same to the Senate.

On motion by Mr. Mason,

*Ordered*, That the injunction of secrecy be removed from certain documents communicated to the Senate with the message of the President of the 26th of July, 1854, relating to Cuba and the slave trade, now reported to the Senate by the Committee on Foreign Relations; that the message, together with this order, be transferred to the Legislative Journal, and that the said message and documents be printed for the use of the Senate.

On motion by Mr. Badger,

*Ordered*, That the injunction of secrecy be removed from the resolution submitted by him the 16th March and agreed to the 4th April, 1853, relative to the power of the President to remove a Territorial judge from office.

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